THE HINDOO PATRIOT

With which is incorporated the Indian Field.

REGISTERED No. 48.

PUBLISHED EVERY MONDAY.

VOLUME XXIII. NUMBER 39

CALCUTTA:—MONDAY, SEPTEMBER 25, 1876.

Per Annum in Advance.
TOWN.....11-8.
MOFUSSIL.....13-4.

CALCUTTA SEP 25

THE WEEK.

MONDAY, 18TH SEPTEMBER.

ON HIS ELEVATION to the upper region Mr. Disreali issued the following address to the electors of Buckingham :

Gentlemen,—The Queen have been graciously pleased to summon me to the House of Peers, I return to you the trust which for so many years you have confided to me as your member in the House of Commons, an assembly in which I have passed the greater part of my life. It has been a period of trying occasions and memorable events, and if I have been permitted to take some part in their management and control, next to the favor of our Sovereign, I am deeply conscious I am indebted for that opportunity to the fidelity of your feelings. Throughout my public life I have aimed at two chief results. Not insensible to the principle of progress, I have endeavoured to reconcile change with that respect for tradition which is one of the main elements of our social strength; and, in external affairs I have endeavoured to develop and strengthen our Empire, believing that combination of achievement and responsibility elevates the character and condition of a people. It is not without emotion that I terminate a connection endeared to me by many memories and many ties, but I have the consolation of recollecting that though I cease to be your member, I shall still have the happiness of living among you; and that, though not directly your representative, I may yet, in another House of Parliament, have the privilege of guarding over your interests and your honor,—Your deeply obliged and ever faithful servant,—B Disraeli.

This is short and sweet.

BABU PROMODA CHURN BANERJI, Munsif of Benares, has lately been officiating as Deputy Registrar of the High Court, N. W. P. Is not this the same gentleman, whom Mr. Carmichael had libelled the other day, though the charges were afterwards withdrawn?

THE PUNJAB COURIER hears from Cabul that "it is rumoured that Amir Shere Ali Khan is favorably inclined towards the Russian Envoy, while His Highness treats the British Agent with bare civility. It is also said that he has given the latter permission to retire from Cabul, should he feel disposed to do so." We do not believe the last statement.

LORD NORTHBROOK laid the foundation-stone of a new chancel and transepts which have been added to the church of St. Leonard, in which parish the Baring family resided many years ago. The stone bears the following inscription:—"The foundation-stone of this church was laid August 18, 1876, by the Right Hon. Earl of Northbrook to the glory of God, and in commemoration of his safe return from India, where he held the office of Viceroy and Governor-General from May, 1872, to April, 1876." This is a novel way of commemorating political administration.

THE LUCKNOW WITNESS gives a sketch of the career of Mr. John Inglis, Officiating Chief Commissioner of Oudh. He came out to India in 1841, and was made an Assistant Collector and Magistrate at Bareilly. In 1844, he was promoted to a Joint Magistracy at Agra. On the annexation of the Punjab in 1846, he was selected and sent to the Punjab, and was afterwards promoted to the Deputy Commissionership of Sealkote. During the Sepoy Mutiny he accompanied Colonel Jones' column from Meerut to Moradabad, and carried on the duties of a Collector and Magistrate for a few days. Thence he marched to Bareilly with *the same troop*. It was a critical time for Rohilkund, which remained in possession of the rebels for a much longer time than any other part of the country. His conduct in those times of vengeance and oppression was singularly moderate and truly laudable. The innocent did not suffer at his hands, nor did the guilty escape punishment. It was Mr. Inglis, who introduced the octroi system in Bareilly, and established Municipal Committees. The other district officers followed his example. Before this time the word *chongee* was quite unknown in the North Western Provinces. The octroi collections were wisely improved under his management, and became the sources of many works useful to the public such as branch schools, female schools, and boarding houses. A new bazar was set up in a new style, and two new ganjs were established—the magnificent Inglis Ganj, and beautiful Sahukara, and the Sarai, with splendid gates, were made by him. Many large and useful additions were made to the dispensary. Bareilly owes so much of its grandeur to Mr. Inglis that it may well be called after his name *Inglisabad*. He was promoted to the Board of Revenue, where he did his work quietly but efficiently. In 1868 he was ordered by Sir W. Muir to concert plans to check the famine which was then imminent. He met the difficulty with admirable courage, and took measures which removed all difficulties. As a member of the Legislative Council he will be best remembered for his manly stand against the Income tax. The writer thus concludes :

"Most of the present officers think themselves members of the governing nation, and call the natives of the governed nation *beggars* and *blackmen*, but, Mr. Inglis has a different idea of showing respect. He receives every native according to his position, and treats him as a friend. It was owing to his friendly reception of the natives that Lady Muir was allowed to enter the zenana of the respectable natives at Bareilly, and to examine the girls, as the time has not yet come for native ladies to hold free intercourse with Europeans. Another good quality in Mr. Inglis is that if he has done any favor, he will carefully avoid reference to it. This is a proof of his greatness of mind. We strongly believe that had all English officers possessed such qualities, the catastrophies of 1857 would not have occurred in this country."

A greater praise could not be given to an Indian officer than this.

ANOTHER CASE of "rampant Anglo-Saxon ism." A Captain Baines of Bangalore was charged with assault by a native horse-keeper. The Cantonment Magistrate thus delivered his judgment :

"It is clear that the accused laid hands on the complainant on three several occasions. In the first instance he struck him with his hand on the face. In the second he seized him by the neck and pushed him as far as the stables a distance of 55 measured paces. In the third he again seized him by the neck and attempted to force him out of the compound which mode of treatment it is alleged the complainant resisted in a manner so violent that it resulted in violence being used by the accused to an extent greater than that to which he had at first intended to resort. The first assault the accused admits as also the fact of having conveyed the horse keeper to the stables holding him by the neck, being doubtful as to whether or not he bamped him with his knee: he further admits that the stable is not in a direct line between the mango tree under which they had been standing and the compound gate, so that it was not his object then to remove complainant as a trespasser, but to make him deliver over the pony's clothing, &c. to the butler. The wife of the accused deposed that he did lift his leg and bring it in contact with the complainant. Whether a bump with the knee or a kick with the foot was given makes little difference and the accused is guilty of having used criminal force to the complainant even without the above additional inducements to hurry his movements. The third act in this Sunday afternoon drama was performed somewhat later when the complainant refused to leave the compound unless he first received his pay, when his insolence, no doubt was great. The accused attempted to remove complainant from the compound. His efforts were not as successful as he anticipated, unexpected resistance was met with, the result, 'throttling, pulling of whiskers, blows, kicks and desperate struggles ending in an interference on the part of a butler, an ayah, a European soldier and the Police, and hurt to both the actors, a bloody face to the one, to the other an aching groin, with damage to their apparel. There can be no manner of doubt that after the complainant had delivered over charge of his master's property, and was ordered to leave and refused, remaining and giving vent to gross insolence he became a trespasser and the accused had a right to remove him from his premises by his own personal efforts, using no more force than was necessary (though to have sought the aid of the Police would perhaps have been more dignified, and an unseemly fight between an officer and a horse-keeper might have been avoided.) As there is no evidence as to the entire transaction save that of the parties interested, who were evidently in a highly excited state, it is simply impossible for the Court to say whether the accused commenced using more force than was requisite and so justified resistance of the complainant in self defence, or whether the complainant attacked the accused in the first instance in a violent manner while he was lawfully removing him, and so justified accused in resorting to further force for his own protection, and so cause hurt. I must therefore give the accused the benefit of the doubt and acquit him of voluntarily causing hurt to the complainant.

The accused had clearly in his mind a remembrance of the unfortunate "Fuller Case" while the affair was being enacted and he has twice alluded to it in the course of his trial. It is a pity that the recollection did not deter him from even slapping the syce's cheek. As this appears not to have been sufficient it is the duty of the court to enforce such a penalty as may prevent him in future from resorting to personal violence.

The court finds the accused, Captain J. E. Baines, guilty of assault and using criminal force to the complainant, an offence punishable under section 352 of the Indian Penal Code, and the court directs that the accused Captain J. E. Baines do pay a fine of Rupees fifty and in default that he suffer seven days' simple imprisonment."

Bravo! Captain Baines. This is just the way to fulfil England's mission in the East. In the cross-suit the ghora-wallah was fined Rs. 10.

TUESDAY, 19TH SEPTEMBER.

THE MADRAS MAIL has the following: The total area of the territories oft those native Chiefs of India who exercise sovereign powers, and are entitled to salutes, embraces 488,116, square miles, inhabited by a population of 49,675,598 and yielding a revenue of £13,553,568. Their military forces number 136,008 cavalry, 180,163 infantry, and 3,899 guns and 2,157 gunners. The sum paid by them as tribute and subsidy, including contingent, amounts to only £1,99,822.

EIGHT THOUSAND one hundred and twenty-nine newspapers are published regularly in the United States. More than three-fourths of them are weekly.

NOW THAT Sir John Strachy is away the *Pioneer* has turned its back against him. Our contemporary thus sums up his administration of the North Western Provinces :

"If, as Lieutenant Governor, he has hitherto made less mark than his friends had hoped, the reasons lie on the surface. He has suffered from an infirmity of eyesight which would have driven a more timid man from his post; his health is but indifferent; and failing eyesight and feeble health have incapacitated him for the unceasing drudgery and routine of office which every Lieutenant Governor who masters his work must be prepared to cope with. Our best Lieutenant Governors have all been men of untiring powers of application and of good physique; Thomason, for example, and Edmonstone in the North-West, Lawrence in the Punjab, Grant and Grey in Bengal. Hence, we may be compelled to admit in Sir John Strachey's administration of these provinces some measure of *laisser aller*, and an apparent yielding to indolence, which, though not indeed without their uses, seemed perhaps to be carried to an extreme. Between Sir William Muir's over-government and the non-interference of Sir John, there is little for an advocate of moderation to take his stand upon. While insisting that all that Sir John has done well, one is forced to admit that he has not done quite as much as was expected. He has shown, indeed, that he disapproved of a good deal, but he has not initiated many measures of his own. He has followed up actively the projects of light railways inaugurated by his predecessor. He has approved an admirable scheme of drainage submitted to him by the Irrigation Department for the relief of the fever-stricken districts about Meerut. He has organized a statistical department, tried tobacco, talked of silk. He has snubbed the Educational Department. He has bullied the Land Revenue Board. He has absolutely spat upon the Police. But snubbing six days, and resting on the seventh, is not the whole business of administration. Indeed, there was a moment when it seemed easier to rouse the Lieutenant Governor by a whisper of a crazy Hindu ruin, or of a crumbling Mogul arch, than by all the untutored cries of all the uneducated children in this most deplorably ignorant of provinces. His critics urge, and not without reason, that the qualities which he had so successfully exerted in the immediate interest of his superiors, are less conspicuous in his dealings with subordinates. There is, indeed, the same grasp, the same liberal judgment, the same vigorous insight; but they are not so constantly employed. There has been, on the other hand, less tact, less activity of mind, less fertility of resource; in a word, there was less ability. The most useful "note" of his rule—the leaving to subordinate but responsibe officers a wide and wise discretion—is, as it happened, congenial to Sir John's own temper; and fortunate as it has been for the province after Sir William Muir's period of office, that his successor was unsuited by disposition and by health to over-govern it, there is now some danger of our drifting into an opposite extreme. Subordinates who, without a tithe of their chief's capacity, possess more than double his longing for leisure, are tempted to quote him in support of their lack of energy; and when it is once known that *laisser aller* is the fashion at head-quarters, *laisssr aller* is very apt to become the fashion in all quarters. On the whole, none but Sir John's personal friends would probably rank him among our greatest provincial administrators: and none but his enemies would deny that the disadvantages under which he has had to struggle would have made it impossible to any but a first-rate man to have carried on the administration at all."

And yet these *dis*-qualifications, the *Pioneer* holds, eminently qualify Sir John Strachey for the office of Finance Minister.

THE ENGLISH PRESS has spoken out on the Fuller case. We give the following extracts. The *World* says :

"This decree of the Governor-General has given great offence in certain quarters. The bar, of which Mr. Fuller is a member, has condemned in no unmeasured terms the conduct of Lord Lytton: 1, because they allege that he has no right to interfere with the decisions of the High Court; and 2, that "a certain amount of corporal punishment by employers is a part of *every* Indian servant's implied contract."

The first reason is a question of constitutional law, about which we need not say one word; but the second reason deserves the strongest reprobation. It is because such cruel opinions are held by Englishmen in India that there is that 'coldness" between us and the natives of which the suite of Prince of Wales have spoken to the Marquis of Salisbury. English rule is not unpopular, neither are English visitors. It is the superlative "cadism" of English residents in India which galls the natives and embitters them against us."

"In the Anglo-Indian community the Civil servants are the men who are most overbearing, insulting, and bumptious Almost every Civil Service clerk in Bombay has his name and "C.S." after it painted on his door-post. He thinks it a *title*. Imagine our War Office clerks doing such a thing in England. The Indian Civil Service snob is the snob *par excellence* and his snobbery is snobbery *in excelsis*. The military are more excusable. Indeed they do not as a rule exhibit snobbery, though sometimes they are tyrannical. Some officers strike natives because they do not get off the pathway; other officers whip coolies because they do not "slam." They are a conquered race, and they should feel it. That is the military idea; but then the military keep to themselves, and the natives simply look upon them as the badge of conquest. The men of the higher rank in the commercial community are the most gentlemanly towards the natives.

They have to deal with them, and they know them—know both their good and bad points. The merchant's subordinate, however, is as bad as anybody. A clerk or a shopman in England on thirty shillings a week, develops into 'a "mer

chant's assistant" in India. He who always rode in a bus from Islington to the City has a gig of his own in Bombay; to say nothing of a "butler" (a person he may have heard of in England, but never seen) who dresses him, and generally acts as his valet. Instead of his meagre shilling dinner he has five courses in India for less money, and considers it the "thing" to talk about niggers and kick his servant.

These are the abuses with which Lord Lytton will have to cope, and which he should make it his business at once to suppress. Your true snob is invariably an ape, and the tone taken at Government House will be reflected throughout the Anglo-Indian community. If the new Viceroy continue as he has begun, he will find a lasting memorial in the gratitude of the native Indian races."

The *Pall Mall Gazette*:

"The arguments used in reply to Lord Lytton's Minute by the Anglo-Indian press do not carry conviction to an unprejudiced mind, It is asserted in the first place, that the man who was killed was suffering from an enlargement of the spleen—a very common disease among the Hindoo, and one that makes even a slight shock dangerous to life; but that Mr. Fuller was unaware of the fact when she struck him. If Mr. Fuller had been aware of the fact when he gave the blow, he ought to have been tried for murder, and it is to his ignorance, which may be taken for granted that his indictment upon so mild a charge as that of "causing hurt" is to be attributed. But the practice of striking natives, as the Minute points out" bad as it is from every point of view is made worse by the fact known to all residents in India that Asiatics are subject to internal disease which often renders fatal to life even a slight external shock. The Governor-General in Council considers that the habit of resorting to blows on every trifling provocation should be visited by adequate legal penalties and that those who indulge it should reflect that they may be put in jeopardy for a serious crime." Even giving the fullest weight to the facts of the groom's ill-health and of his master's ignorance, it would have been only consistent with justice to have placed Mr. Fuller on his trial at least for his "causing grievous hurt" and to have sent the case to a higher court than that of the Joint-Magistrate. But even the proven offence of "voluntarily causing hurt" was visited with most inadequate punishment. It is an offence, Lord Lytton observes, which 'varies infinitely in degree—from one which is little more than nominal, to one which is so great that the Penal Code assigns to it the heavy punishment of imprisonment for a year and fine of 1,000 rupees. The amount of hurt and the amount of provocation are material elements in determining the sentence for such an offence. In Mr. Fuller's case, while the provocation was exceedingly small, the hurt was death. For this Mr. Leeds, while saying that he intends to inflict a punishment something more than nominal, inflicts only a fine of 30 rupees." And this was intended to include all the compensation that was to be paid to the family of the victim! Another popular argument in reply to the Viceroy's rebukes is that without corporal punishment no Anglo-Indian household can be properly governed. But this is disproved by the fact that among the members of the Government services it is extremely rare to find any one who indulges in violence towards his servants. Moreover, if spleen complaints be so common as is alleged by Mr. Fuller's apologists, corporal punishment is too likely, in a great number of cases, to become capital punishment; and no one pretends that Anglo-Indian households should be regulated by that sanction.

The *Daily News*:

"It is easy to see why the publication of Lord Lytton's recent minute on the treatment of native servants has aroused much feeling amongst Anglo-Indians. Lord Lytton's words are not judged of merely with reference to their strict grammatical significance, but are rather regarded as a reprimand delivered in the hearing of natives of India. It is true that the Viceroy admits that the practice of illtreating the natives is 'dying out,' but the fact that he denounces it implies that it still exists. At a distance it may seem as if those Europeans who are just and kind to their native servants ought not to mind what is said about irascible and vindictive employers; but in a state of society like that of India the sense of race is too strong not to assert its supremacy. Anglo-Indians could have no difficulty in subscribing to every maxim of justice and equity which the Viceroy enunciates; but they are jealous of their character and are most impatient under the censure, limited though it be, implied in his minute. But whatever may be the merits of the questions raised by the particular wrong which has occasioned the publication of Lord Lytton's remarks, there can be no doubt that his minute represents the mind of England regarding the treatment of the natives of India, and just now such an illustration of the view taken by this country of the duty of a Government towards the races subject to it is by no means untimely. The very thought of permitting the English in India to become towards the people of that country what the Ottomans are to the rayahs of Turkey, the scourges and devourers of a people made to be oppressed, is one which this nation would reject with abhorrence. This minute of Lord Lytton shows that in the eyes of the rulers of India the rights of a poor servant are as precious as the reputations of great functionaries and even as the approval of the Anglo-India community itself. It is this conscientious respect for the interest of the people for whom we are trustees which entitles us to protest with moral authority when as now in the Christian provinces of Turkey every human right of subject races is trampled under foot: and this proud distinction will be cherished as long as we remain true to the noblest traditions of the national character."

The *Times* dissents from Lord Lytton's minute.

GREAT EXCITEMENT seems to prevail in Peshwar owing to the conversion of a Hindu lad to Christianity. The *Indian Public Opinion* says that as some Mahomedans sympathise with the Hindus in this matter, it will need very careful management on the part of the local authorities in order to prevent an outburst of popular feeling, which would, as a matter of course, lead to disastrous results.

THE ADMINISTRATION of the Central Provinces does not appear to resemble a happy family. From the correspondent of a contemporary we gather that the disagreements between the Judicial and Executive branches is a public scandal. As usual the judiciary want the "reign of law," and the Executive insist upon vigour beyond the law.

THE APPOINTMENT of Sir Lewis Pelly as the next Lieutenant-Governor of the Punjab is now looked upon as a certainty at Simla.

WEDNESDAY, 20TH SEPTEMBER.

A SINGULAR trial at this moment, says the *Times*, excites public attention in Italy the Marchese Mantegazza, a person of great family and of the highest possible consideration, has been placed at the bar of the Assize Court of Bologna on a charge of forging the names of King Victoria Emmanuel and Prince Humbert to number of bills and other documents. The prisoner admits the falsity of the documents, and gives an explanation which, if it were true, would incriminate others while it would not excuse himself. He acknowledged that the bills and documents were all forgeries, but he absolutely denied being the author of them. "He had been employed by the King and Prince in *bona fide* transactions, and while carrying those into effect he was brought into connexion with a person whose name he refused to reveal. Under that person's authority, which he believed to be sufficient, he acted in good faith, and it was not until the thing had gone too far to permit of his retreating that he discovered the true state of the case." The case is *sub judice*.

THE FOLLOWING judgment of the High Court affords another illustration as to how justice is administered in the Mofussil:

"Grish Chunder Nundee, an officiating Sub-Inspector of Police, was accused of taking a bribe from one Radha Mohun Chowdhry, a zemindar. He was tried by the Assistant Commissioner and discharged, as the offence of bribery was not proved against him. At the same time the Assistant Commissioner, thinking that the evidence sufficiently established an offence under section 29 of Act V of 1861, convicted him under that section of violation of duty, and sentenced him to three months' rigorous imprisonment and to a fine of ninety rupees (the fine to be realized from his pay as Acting Sub-Inspector on 30 rupees a month). This sentence was confirmed on appeal by the Judge.

We think that Grish Chunder Nundee having been called upon to answer [to a specific charge of bribery ought not to have been convicted of an entirely different offence under the Police Act without previous intimation being given to him of the particular derelictions of duty imputed to him, and without being afforded an opportunity of meeting a charge of this nature. We observe that point of the accusation against him is that he did not apprehend certain offenders, and more especially one Radha Mohun, said to have been concerned in the rescue of two persons accused from legal custody, and that he failed to send, as witnesses for the prosecution, two persons, Mollahs, whose evidence was most material. The law (section 23 of the Police Act) provides that "it shall be the duty of every Police officer to apprehend all person whom he is legally authorized to apprehend and for whose apprehension sufficient ground exists." Now in this instance four persons were sent up for trial and convicted, and the Extra Assistant Commissioner who tried them declined to direct further proceedings to be taken against Radha Mohun or others accused of like offences and proceedings were stayed accordingly. It cannot therefore be said that Radha Mohun was an offender whom Grish Chunder Nundee was legally bound to apprehend; and he is thus as a matter of fact supported by a judicial authority in assuming that there was no sufficient ground for the apprehension of Radha Mohun.

On the whole, then, we think that not only was Grish Chunder prejudiced in his defence, by not knowing what charge he had to meet, but also that there was no legal evidence on which the finding and conviction of violation of duty under the Police Act could be founded. We therefore set aside the conviction and sentence of the Assistant Commissioner, and direct that the prisoner should be released and also that the fine, if levied, should be refunded."

Mr. Lalmohun Ghose, Barrister-at-law, defended the prisoner.

THE FOLLOWING anecdote is worth repeating: At the Liverpool Police Court lately, a man was being sworn on the Koran, and the crier of the Court, in concluding the administration of the oath, said in a most solemn manner. "So help you, Koran." As may be imagined, the greatest merriment was created and the crier afterwards explained that he thought Koran was the Mahomedan name for God.

THE LONDON CORRESPONDENT of the *Bombay Gazette* reports the following significant fact:—The Colonel Firijef, who was recently shot in the Servian ranks near Nisch, was a natural brother of the Czar of Russia. He was a very popular man in social and military circles in St. Petersburg, and was not unknown in London society. The papers indicate that his death caused a great stir in Russia.

THE GOVERNMENT of India has issued the following rules relating to leave and allowances:

"An officer who does not join his new appointment within the joining time allowed to him is entitled to no allowances after the end of his joining time, and after a week ceases to have a lien on any appointment. But if the Local Government considers that his default was due to circumstances beyond his control, it may exempt him from the loss of his appointment.

Leave on medical certificate for not more than six months may be granted to a Lieutenant Governor. On resuming his duties after such leave, a Lieutenant Governor is entitled to half his salary for the period of his absence. If he is prevented from resuming his duties, he is entitled to no absentee allowances.

A Lieutenant Governor is not entitled to any other leave.

"The Governor General in Council is pleased to declare that all leave, acting and travelling allowances payable to public officers from provincial funds, shall, in the absence of express sanction of the Government of India to the contrary, be subject to the rules which regulate the grant of such allowances from imperial revenues; and that no such allowances paid from local funds or from any other sources under the control of any Government officer, shall, without the express sanction of the Government of India, exceed what would be admissible under the rules which regulate the grant of such allowances from imperal revenues."

FRANCE has the credit of the following discovery:

"The application of Hypodermic injections of cold water for the relief of pain seems to be successful. An American doctor injected ten drops of cold water under the skin in the lumbar region, on each side of the spinal column, and in less than a minute the patient, a woman who had been suffering from lumbago for three years, felt relief. Sometime afterwards the pain returned, but was mitigated the next day by acupuncture without injection, and the woman who had been so long crippled was able to work at a sewing machine. Another case of rheumatism of the ankle-joint was cured by the injection of ten drops of cold water, as also was a third of nodular rheumatism involving the shoulder, elbow, wrist, and knee-joint of the right side. In all these cases, a slight complaint was made, at the moment of injecting the water, of a burning sensation; but not more than when any other fluid is used for a like purpose. In the last case, ten syringefuls of water were injected at one visit, so there is no danger from the quantity employed."

THURSDAY, 21ST SEPTEMBER.

THE PARIS Correspondent of the *Englishman* gives the following account of the visit of H. R. H. the Prince of Wales to the gay capital:

"The Prince of Wales staid only three days in Paris. He spent most of the time with Count Aguado, the son of a wealthy Spanish Jew, and the lessee of the vast game preserves comprised in the forest of Fontainebleau. The Count, moreover, accompanied his Royal Highness to Brussels, where, by a coincidence greatly marked by the Paris journals, the pretty Marquise de Gallifet, whom they had left at Trouville, turned up. Madame de Gallifet is the only acknowledged daughter of the late M. Charles Lafite, better known in racing circles as Major Fridolin. She is three years the senior of our future king; but, of Celtic race, she wears admirably, and is plump, without being in any wise a heavy party. The year of the last Paris Universal Exhibition, she was supposed to have reached the climax of beauty. That was eight years ago; but the tide has not yet, it would appear, turned oceanward and she continues to exercise her fascination on the most illustrious heads. It sometimes happens that the husband of a pretty woman is less susceptible than other men of the influence of her charms. This is the case with Madame de Gallifet. She is separated from General le Marquis de Gallifet, who distinguished himself for his unrelenting energy in executing communists, taken prisoners by his soldiers. This gallant officer was capable of imitating Hempenstal," the walking gallows" of the Irish Rebellion of '98, had powder fallen short, and a rope been in his possession. The pair separated by mutual consent, Madame wishing to have her liberty, and General the Marquis being desirous of relieving himself from the reproach that Rochefort, the lanternier, cast upon him of being wilfully blind to her dissipation. The Marquise de Gallifet is Scotch by her mother, and a clear-complexioned blonde, with fine features, luxuriant wavy hair, the shade of a ripe field of corn, and animated, large, dark eyes. She dresses very becomingly, though not always in the best taste. In fact, anything she puts on looks well. Her manners, despite excessive and unconcerted fastness, are ladylike. She belonged to the gay bevy of ladies of which the Princess de Metternich was the ringleader. Madame de Gallifet used to dress either in pale green, or pale greenish-blue. This summer, she follows Mme. de Brimon's lead in confining herself to black, or white, and, out, of doors, she rolls her head in three or four yards of silvery gauze. When the Prince of Wales, the other day, went to dance at the Casino, she was present, and peerless among the assemblage of the fair and gay who had assembled there. His Royal Highness recognized her, and fell into a conversation about the good old times when the Princess Metternich had invited him, with her entire set to a joyous *dejeauner* in the Austrian section of the Paris Universal Exhibition. Has she, in going to Brussels when the Prince was she there, presumed on this honour? I leave the solution of this delicate question to the High Life journals of Paris and to the London *Vanity Fair*."

REGARDING the language in which registers under the new Law Registration Act are to be kept His Honor the Lieutenant Governor says, if the people shall for this purpose prefer to use English, of which the knowledge is so fast spreading, that will be well. The experience of other departments has shown that English is well suited for public registration in these provinces. We say *ditto*.

THE FOLLOWING zemindars of the district of Nuddea come in for *kudos* in the annual report of the Collector of the district: "Foremost amongst these is Mr. Sibbald, of whom the Collector says—"This gentleman is exactly what a landlord ought to be, and I can only regret that in all probability his retirement from India will before long deprive the zemindars of a model, the ryots of a liberal friend, and Government of a valuable aid." Messrs. Shirreff, Hills, and Macnaughten, P. Smith and A. Hills of Patkabaria, are also mentioned as good landlords. Baboos Bamoondas Mookerjee and Jugut Chunder Mookerjee, Molla Khodabad Khan, Ameer Biswas, Baboo Nuffer Pal Chowdhry, and Baboo Prosonno Chunder Roy are all favourably spoken of by the local officers." Why are not the zemindars of other districts comprised in the Presidency Division mentioned?

THE CONDUCT of the following zemindars in the Dacca Division are brought to the notice of Government by the Commissioner of that division: "The names of Nawab Abdool Ghunnee, C.S.I., of his son Khajeh Ahsanoollah, Khan Bahadoor, and of Rajah Kali Narain Roy Chowdhry, all of Dacca, are conspicuous as usual for their liberality and good behaviour as landlords. Among other names mentioned are Babu Soorja Kant Acharjee, Srimotee Bissessuree Debya, and Sadut Ally Khan of Mymensingh, Moonshee Gholam Ally Chowdhry, Babu Mohiny Mohun Das, and Babu Shyama Sunker Mozoomdar of Furreedpore, and the Rajah of Tipperah, and Babu Annoda Persaud Roy of Sarail in the Tipperah district."

THE FOLLOWING programme of the Vice-regal tour is given in the *Times of India*:

"His Excellency the Viceroy and Governor General will leave Simla on tour on the 10th October, visiting Cashmere, the North West Frontier, Sind and Bombay, and returning to

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Delhi in time for the Imperial Assemblage to be held there on the 1st January 1877.

At Bombay (where the party will arrive on the 16th December) His Excellency will remain four days, leaving on the 21st. and make his entry into Delhi on the 23rd December.

The Viceregal party will consist of—

Their Excellencies the Viceroy and Lady Lytton.
Private and Military Secretaries to His Excellency.
Two Aides-de-Camp.
Medical officers in attendance.

His Excellency will hold levees at Rawul Pindee, Peshawur Lahore, Mooltan, Jacobabad Kurrachee, and Bombay."

LORD MAYO, it is said, held the same strong opinion that Lord Lytton has expressed against the abominable practice "of striking natives." The *Times of India* gives the following extract from a minute of Lord Mayo:

"I must take this opportunity of expressing my opinion as to the abominable practice of striking Natives. It is a detestable and abominable *crime*, and ought, in my opinion, to be visited with the most severe punishment."

We may say that this has been the opinion of all Governors General.

THE PIONEER has the following: "As a good many stupid stories are being told about the origin of the missing civilian, it may interest some people to know that his father was both a scholar and a gentleman. Not a few of our readers perhaps, may remember by name the editor of the *Horace* in the series called *Bibliotheca lassicorum* As to the son's literary ability, a glance at the recent volumes of the London *Academy*, where all the articles are signed, will convince those who doubt. A very clever article by the same hand appeared in *Blackwood* on Michael Angelo," "about a year ago." Does all this palliate or aggravate his guilt?

FRIDAY, 22ND SEPTEMBER.

LORD NAPIER was desirous to confer upon young natives of good family commissions in the Indian army, and the *Pioneer* explains how his Lordship's object has been frustrated. We are told that applications have been answered by a statement that no direct commissions could be given without the consent of the officer commanding the particular regiment into which the admission was sought, and that the reference to the commanding officer practically made the occasion null and void. Are we to understand that the Government has no will of its own?

AS WE had prophesied Cooper Hill is pressing down upon the prospects of Indian Civil Engineering Colleges. If it be the fact that the supply from Woolwich and Cooper's Hill, when supplemented by the outturn of the Civil Engineering Colleges, is now more than sufficient to replace the annual casualties in the department, and that all expansion of the P. W. D. Establishment is now checked, or even liable to give place to a reduction our fears are fast being realized. Major Lang, Principal of the Roorkee College, justly asks, whether this should fall wholly, or even in part, on the Indian colleges.

IT IS STATED that the South India Railway Company intend at once to construct the line between Conjeveram and Chingleput, which will complete a loop line with the Madras Railway Company's line.

THE MADRAS Chamber of Commerce do not support the Bengal Chamber of Commerce in its proposal to restrict the coinage of rupees on the application of private parties.

SYAD ABDUL RAHMAN, of Faridpur, an ex-student of the Calcutta Madrasah, is about to proceed to England, with a view to study for the Bar.

WE READ that Mr. Keely, a working man in America, declares that by means of a machine which he has invented, he can, without the use of fuel and by merely turning a handle, generate out of water a vapour so much more powerful than steam that, with a gallon of water, he can drive a heavy train from Philadelphia to San Francisco; and with a hogshead he could impel a Cunard steamer from Liverpool to New York against a continuous westerly gale. Wonders will never cease!

IT IS said that the Government is seriously considering the advisability or otherwise of introducing cats into the public service to be pitted against the rats which create such havoc amongst Government records!

THE GOVERNMENT of India has given a sharp wigging to an officer in British Burma for giving an increase to the pay of a sweeper out of the contingent fund at his disposal without the sanction of Government. The old story of swallowing a camel and straining at a gnat.

THE INDIAN DAILY NEWS has the following telegram from Negapatum:

"Government have suspended Mr. Welu, of the Madras Civil service, Head Assistant and Collector here, for two months. Some time back a *Sanyassee* or Brahmin recluse died, and was buried without the sanction of the Municipal authorities on the bank of the chief public drinking water tank here. Backed by the unanimous opinion of the Municipal and Medical authorities on purely sanitary grounds, Mr. Weld insisted on the exhumation. The corpse was removed by the relatives of the deceased, but all the Brahmins throughout the district joined in a protest to Government against what they considered sacrilege. Government replying to the petition altogether ignoring the sanitary question involved, have directed the Collector to convey to the relatives of the Sanyassee expressions of regret at the whole proceedings; also to reimburse them Rs. 800. the expenses of the second burial; and have suspended Mr. Weld. The Government order has not been published. Public opinion is excited to resent the cruel and unfair treatment of a deserving young officer for discharging faithfully his duty for the public good."

The Madras Government is right. Those who took part in the burial ought to have been punished, but the remains of the dead ought not to have been desecrated.

A CHINSURAH Correspondent enquires what becomes of the taxes that are realized from the inhabitants of that town and to what use are they applied? Roads are so miserably out of repair as to endanger every carriage that passes over them, drains and nullahs all choked up and scarcely afford passage for water, heaps of rubbish and accumulations of all sorts of filth stare one in the face wherever he turns. The correspondent writes that scarcely once in six months does a scavenger cart makes its appearance.

SATURDAY, 23RD SEPTEMBER.

THE COMMERCIAL GAZETTE of Mauritius notices "the introduction of a clause in the proposed Post Office and Electric Telegraph ordinance, giving power to the Governor to authorise, by warrant under his hand, the detaining, delaying, and opening of post-letters in their transit through the postal department" Of course the power will be exercised on the report of and through the subordinate officers of Government, and the constitutional liberty of the people will be at its acme.

THE WELL KNOWN artist Mr. Muir White has been commissioned to paint the portrait of the late Babu Ramgopal Ghose for the Town Hall of Calcutta.

THE BEHAR HERALD states that the Government of Bengal has at last sanctioned the proposal for the publication of a Hindee Gazette for Behar. The details are now being settled, and the Hindee Gazette will probably make its appearance from the beginning of the next year. Rai Sohan Lall, the Head master of the Patna Normal School, has been appointed editor.

ANOTHER ENGINEER has died by his own hand. His name is R. Green, Assistant Engineer, Sirhind Canal.

IT WAS PROPOSED to impose a latrine tax upon the people of Umbulla, but the Lieutenant Governor deprecates such a measure when there are several other avenues open for taxation. But money does not smell!

IT IS reported that the health of the Emperor of Russia is suffering in consequance of agitation arising from the pressure put upon him by the Press and by the public voice to make war upon Turkey.

WE TAKE from the morning papers the following telegrams of the week:

London, 15*th September*.—The Spanish Government has ordered the removal of all outward signs of Protestanism in chaples and schools throughout Spain.

18*th*.—Sir Stafford Northcote addressing a meeting at Edinburgh denied that Eastern policy had been hampered by unworthy jealousy of Russia, or fear of our Mahomedan subjects in India. He went on to say that the Empire of India defends good government, and that the Porte had sent a Commission to Bulgaria, armed with judicial powers to inquire into the recent atrocities. Newspaper correspondents generally consider the peace conditions imposed by Turkey on Servia inadmissible.

19*th*.—An atrocity meeting was held yesterday, the Lord Mayor presiding. Tchernieff has proclaimed Milan King of Servia. Numbers of volunteers are joining from Servia, chiefly soldiers. *Arcot* arrived at Port Said yesterday.

20*th*.—Tchernieff's action received disfavour in Russia and disavowed at Belgrade. Baring's report confirms worst atrocities.

21*st*.—The Earl of Beaconsfield addressing his former constituents at Aylesbury yesterday said the people had arrived at a conclusion which was injurious to England's interests and fatal to the plans for the maintenance of peace. To expel the Turks from Europe was impossible. Lord Derby was now seeking to settle relations between the Porte and its Christian subjects, and he enjoys the cordial suppor of other powers, especially Russia.

WE HAVE to acknowledge with thanks the receipt of the under-mentioned publications and periodicals:—1. Records of the Geological Survey of India, Vol. IX. Part 3. 2. A Sketch of the Turki Language Part I. By Robert Barkley Shaw, F. R. G. S. Political Agent on special duty at Kashghur. 3. An Address delivered at the Inaugural Meeting of the Dacca Branch of National Indian Association. By Tariny Kumar Ghosh, B. A. Deputy Magistrate. 4. Ninth Annual Report of the North Suburban Hospital for 1875. 5. Petition—Ranjessurree Pundit Krishen Rao Juswunt to the Viceroy on behalf of His Highness Sree Maha Rao Raja, Sree Suttio Sullary Jee, Bahadoor Raja of Kotah, 10th August 1876. 6. Official Account of the second election for Ward No. 7 of the Town of Calcutta. 7. Bharut Kusum or the trial of Judhistar, translated into Bengali from the original Sanskrit Mahabharatha. Burdwan. 8. Bharut Bhatti, a new Bengali Monthly Journal. No. 1 for Assin, B. E. Burdwan. 9. The Bharut Sramajibi or the Indian Workman Vo. III. 10. *Calcutta Review*, October, 1876.

The Hindoo Patriot.

MONDAY, SEPTEMBER 25, 1876.

DURGA PUJA.

BLESSED be Durga! Once more we welcome thee in this nether world! Riding the chariot of time thou hast again visited it, and what changes dost thou see! In Europe the dogs of war are making sad havoc; in Africa bloody feuds are in the air; in America the triumphs of peace are in the ascendant in the International Exhibition at Philadelphia; in Asia the struggle for existence, political and social, is daily increasing in intensity. The eyes of some of the most powerful nations of the world are upon China. Cabul is enjoying the calm before the storm. Russia is making advances to wean her from England, but the greatest interest centres in the conflict which is sure to ensue on the question of succession to the Throne. The Amir's health is said to be not very strong, but may Durga give him strength, for upon his life hangs the destiny of Central Asia. In India, the land of Durga's birth and glory, many events of great import have occurred since her last visit. For the first time in the history of British connection with the East the Heir to the Throne honored the Indian possessions of England with his august presence. Great were the joys and rejoicings of the people. H. R. H. visited all parts of the country, and wherever he went he received the most indubitable proofs of the loyalty of the people to the British Crown. As a recognition of the loyalty of her subjects Her Gracious Majesty the Queen has assumed the title of Empress of India, and an Imperial Assemblage will be held at Delhi on the 1st of January next for the proclamation of the new title, the like of which had never before been seen in this country under the English, and a parallel to which could be found only in the *Rajshui Yogya* of the Pandavas so vividly described in the Mahabharatha. The noble Lord, who had ruled the country for four years, and saved the people from pangs of hunger during the Famine, and relieved them of the burden of oppressive taxation, has left these shores, and has been succeeded by a brother peer, who has within six months shewn a kindness to and sympathy with Durga's children, for which we invoke the Goddess to bless him! During the twelve months that have passed away since the last advent of the Goddess of Plenty abundance has smiled over the land, and the prospects of the coming year seem to be cheering. The rupee, it is true, has fallen in value in Europe, but by the blessing of Durga the son of toil, who tills the mother earth and extracts food from her bowels, has not suffered. Durga has given wisdom to our rulers, and though sometimes they have wandered from the path She has laid down, upon the whole they have proved obedient and faithful to Her.

This is the second day of the great Puja. This year as in the last the worship, according to certain lunar calculations, embraces four days, and the greater the joy of her worshippers. But Durga, which is Nature in entity, delights in compensation, and for two years again the term of worship will be cut down from three to two days. The dispensations of Durga are made without distinctions of color, caste, or creed. Though the votaries, who worship Her, belong to the Hindu faith, Mahomedans, Christians, Jews, Parsees, Brahmas, all, all enjoy her divine blessing, for they all at this sacred season are released from the thraldom of toil, all participate in the common rejoicings of holiday-making and merri-making, all feel that flow of soul, which giveth health and strength all the year round. And Durga is pleased. She does not care what offerings are brought to Her—whether they be the holy water of the Ganga and the sacred

leaves of the Bael, piles of rice and sweatmeats, distributed in Her name to the Brahmins and the poor, mantras and music equally intended for the purification and elevation of the soul, the gladdened heart made light by the removal of the load of work in consequence of the holiday, the hilarity and mirth of the domestic circle, or the bustle, noise and amusements of holiday-making. All these phases of joy at the approach of the Goddess are but so many forms of Her worship. The beaming light of Her countenance cheers up the spirits of Her votaries, wherever they may be and in whatever form they may worship Her. Let then a universal prayer be offered to Her. Let all chant her praise, for all enjoy Her blessing. Let all remember and observe the sacred season, for all share Her heavenly dispensations. Let all sing gratitude to Her, for she is bountiful to all. Let all take Her Name, for the rejoicings of the holy festival, whether charity-giving, feasting, holiday-making or sight-seeing, are all done in Her Name. Blessed be Durga!

DURGA OR NO DURGA?

THIS is the question of the hour in Pandua. The Mahomedans of that village have always been opposed to Durga worship or idol worship of any kind in that village, and sometimes carried their opposition to bloody issues. The Hindus being poor and weak generally succumbed. It might appear strange, but it is nevertheless true that the Christian Magistrates of Hooghly under the tolerant British Government year after year disallowed the Hindus to perform worship according to the tenets of their religion by carrying the idols through the streets for immersion, a necessary part of the ceremonies observed. From the papers before us we find that so long back as 1823 Mr. Smith, the then Magistrate of Hooghly, ordered the Hindus not to carry idols within the Pandua Gurh. In 1850 Mr. Wauchope issued a similar order. Last year the Mahomedans sought to put a stop to all idol worship by Hindus within the village. Sir William Herschell, then Magistrate of Hooghly, made enquiries last year, and passed the following orders:

"I see nothing in these papers to enable me to put an end to these disputes once for all by declaring that the custom does exist that no Hindu shall do Pujah within Pandooah. It is clear that each Magistrate on each occasion has enquired into the custom and has come to the conclusion in some cases that particular custom was violated, in other that the peace was endangered, and that measures were necessary and has acted accordingly as the case required. But in this case it is not shewn that any custom exists prohibiting the worship of idols in private premises in Pandooah or generally the performance of any religious ceremony by Hindus in Pandooah Gurh.

The act which I witnessed was the assembly of Hindus in a private house in a very common manner in presence of a little set of images. The Petitioner Tafazzul and three other principal Mahomedans voluntarily accompanied me into the place and stood close to the idols without any signs of offence, so that I am satisfied that the mere fact of such idols existing or being worshipped in a private house cannot be offensive to Mahomedans in the sense in which wounding of religious feelings is spoken of in Code (Sec.) 298. I saw therefore no reason to prohibit such acts and merely advised the Hindus to avoid causing offence by their songs and musical instruments and forbade their taking the idols out into the streets.

If since then any one has done any thing wounding the law is open, but I see no means of finally putting an end to these annual disputes other than by punishing any one who performs worship in his own house in such a way as to break Section 298 that is to say, doing it with the deliberate intention of wounding the feeling of neighbours."

The Mahomedans appealed to the Judge, who recorded the following judgment:

I see no reason to interfere in this matter.

The orders of former Magistrates evidently had reference to the public celebration of Hindoo rites and ceremonies within the limits of the Pandooa Gur and the present Magistrate has so far confirmed to those orders that he has forbidden the carrying of idols in the streets.

What the Mahomedans asked him to do was to prohibit the Hindoos from having idols in their own houses or from performing any kind of Hindoo worship within the Pandooa Gur, but the Magistrate had no power to pass such an order and he was quite right to refuse to do so.

If the Mahomedans of Pandooa claim the right to prevent Hindoos from celebrating any kind of Hindoo worship either public or private within the limits of the Pandooa Gur must have recourse to the Civil Court and get the question properly tried. The application is rejected.

It will be seen from the above that the district authorities so far vindicated the law that they permitted the Hindus to perform worship in their own houses, but prohibited them from carrying the idols through the streets for immersion. This was tantamount to a denial of liberty of worship. The veriest tyro in Hindu worship knows that the immersion of the idol in water after worship for the prescribed day or days is a component part of the ceremony, which cannot be completed without it. Practically Hindu worship of idols in Pandua was therefore stopped, and this under a rule, the guiding principle of which is perfect religious toleration! In what respect then did the British Government differ from the Mahomedan Government, the intolerance and bigotry of which not unfrequently led it to commit relentless ravages and barbarities to put down Hindu worship. The British Government in India has always professed to give to the varied populations of this country perfect freedom to exercise their own religions, and it cannot be denied that this freedom is generally enjoyed through the length and breadth of Her Majesty's Indian empire. Why should then a different rule have been promulgated in Pandua passeth our understanding. Hitherto the Hindu inhabitants of Pandua were poor, and could not therefore provide the necessary expenses for observing all the religious ceremonies enjoined by their *shastras*, but latterly some of them have acquired means, and awakened to their rights and privileges as loyal subjects of the Empress of India. This year they observed the Saraswati and Basanti Pujas, and were permitted to observe the bhasan ceremony by carrying the idols through the streets under protection of the Police. A complaint was made against the religious procession, but was dismissed by Babu Jogeshur Mookerjea, Deputy Magistrate, in the following terms:

After examining the complainant and the District Superintendent of Police I am of opinion that there is no sufficient ground for proceeding in this case. All the arrangements connected with the procession were made under the immediate orders and personal superintendence of the District Superintendent of Police. I am satisfied that no offence for breach of order took place on the occasion of the Basanti Poojah festival. I therefore dismiss the case under section 147 C. P. Code.

So far so good. But the Mahomedans have moved again against Durga Puja, and the District Magistrate has confirmed the following astounding order of the District Superintendent of Police:

D. O. No. 1159 dated 18-9-76.

This order confirmed by the District Magistrate.

As there has never been from time immemorial any Doorga Poojah held at Pandooah, none will be allowed this year. This order does not prohibit poojah in private dwelling houses and compounds, but it prohibits any sort of Doorga poojah procession in the streets and throwing the images into tanks. The Hindoos can petition the Magistrate of the District should they take objection to this order.

During the current year idols were worshipped in Boikunto's house and compound and were thrown into Ramsen's and Sadoo Dutt's tanks, but those occasions were the Sursutti and Bashonthi poojahs, poojahs habitually allowed within the Pandooah Gurh.

The Magistrate's permitting those poojahs does not concern the Doorgah Poojah in any way.

Magistrate's order, on the petition of Tafzul Hossen and others for prohibiting the Doorgah Poojah within the Pandooa Gurh.

The District Superintendent has already given orders on this subject quite sufficient.

(Sd) H. J. Newberry.
Officiating Magistrate.

18-9-76.

Two worshippers have submitted the following petition to His Honor the Lieutenant Governor:

To

THE HON'BLE SIR R. TEMPLE BART K. C. S. I.
Lieutenant-Governor of Bengal.

The humble petition of Boicuntonath Dutt and Kunjolal Sarnokar, inhabitants of the village of Pandooah in the District of Hooghly.

RESPECTFULLY SHEWETH,—That your Honor's petitioners are Hindu inhabitants of Pandooah in the district of Hooghly of the subornobornic caste, living in a quarter of the village wholly inhabited by Hindus, and that as Hindus they perform the rites and ceremonies and pujas inculcated by their religion.

That on a representation being made to the District Superintendent of Police, Hooghly, that officer has been pleased to prohibit the procession on the ground that no Durga Puja was ever held in Pandooah on any previous occasion. The order of the District Superintendent has been confirmed by the District Magistrate, your Honor's petitioners beg to submit herewith copies of the two orders.

That your Honor's petitioners humbly submit that the above orders are arbitrary and illegal, as all Her Majesty's subjects in whatever part of her dominions they may reside, enjoy full and unconditional religious toleration, and that nowhere are they restricted in the performance of the rites and ceremonies enjoined by their religious systems. That even in Pandooah such religious rites are observed as they were observed this year when the Saraswati and Basanti pujahs were performed and the images were led out in procession as required by their religion, before being cast into a tank. That the Basanti Puja is Durga Puja performed, in the season of Basanta or Spring, the Durga Puja performed in this season being called Sarodia Puja on account of its being celebrated in the season of Sarat or Autumn. That if the puja and the procession were allowed in Spring your petitioners fail to perceive the reason of their being disallowed in Autumn. The bhasan or immersion ceremony which is observed with procession is a part of the puja, and cannot be dispensed with without violating the Hindu religion. If the prohibitory order has been issued with a view to prevent disturbance and excitement among the Mahomedan community your Honor's petitioners humbly submit that there is no reasonable ground for such disturbance, when the procession will be confined to the Hindu quarter of the village and the tank into which the images will be thrown is situate in the same quarter. No such disturbances occurred on the occasion of the processions of the Saraswati and Basanti pujahs, and if any person should wantonly cause a disturbance, surely it is the duty of the Police to prevent it.

That your petitioners' peaceful observance of a religious ceremony is not calculated in any way to wound the religious feelings of any class of religionists in the village; the followers of every religion have a right to perform their religious ceremonies without molestation. Your petitioners have never objected to the observance of their religious ceremonies by the Mahomedans, and they cannot but consider it grave injustice, hardship, and oppression if they be precluded from the observance of a ceremony, which is inculcated by their religion as one of the highest merit, simply because the followers of a rival religion do not wish to see it performed.

That it has been urged as a ground for the prohibition of the ceremony that Durga puja had not been celebrated in Pandooah before, but it needs be remembered that this puja is very expensive, and only those can perform it, who have means, and if in times past other Hindus could not from want of means or from fear of the Mahomedans observe the ceremony, surely your petitioners' right to observe the injunctions of their own religion cannot be barred by the inability, omission or even latches of their predecessors. It is the proud privilege of the subjects of Her Gracious Majesty to exercise their religion without let, hindrance or molestation, and your Honor's petitioners claim that privilege which is enjoyed by all classes of the people in her vast dominions.

Your Honor's petitioners humbly and respectfully pray that your Honor may be pleased to issue instruction to the District Authorities of Hooghly to allow them to perform the bhasan ceremony of Durga puja as usual on the Vijoya day in their own quarter of the village. As the puja will commence on Sunday the 24, day of September and conclude on Thursday the 28th and the bhasan will fall on the last mentioned day, Your Honor's petitioners pray that orders may be issued in time to enable them to observe the ceremony.

That your petitioners as in duty bound will ever pray.

The petition is late, but we are told that the delay was unavoidable. The petitioners had thought that as no objection had been entertain-

ed to religious processions on occasions of Saraswati and Durga pujas, the Durga puja procession would be allowed without molestation. But this was not to be. The District Superintendent of Police was moved by the Mahomedans, who has issued the strange order quoted above, which again has been confirmed by the Magistrate of the district.

Now, we ask, is this order consistent with the repeated pledges of the Government for religious toleration, and with the Queen's Proclamation guaranteeing her subjects in India perfect freedom to exercise their own religions without annoyance or molestation? Why should the Hindu inhabitants of Pandua be deprived of the right of observing the religious procession of Durga, when they do not object to religious processions of Mahomedans? The Hindus live in a separate quarter of the village, and the Mahomedans are not likely to see the procession if they do not come to it. No particular Mahomedan sanctity attaches to the Pandua Ghur, which is a village like many other villages, inhabited by both Hindus and Mahomedans. If the public procession of Hindu idols be considered offensive to the religious feelings of the Mahomedans, then such processions cannot be permitted in any village or town, where there is a mixed population of Hindus and Mahomedans. But our enlightened and liberal Government knows what religious toleration means, and allows the followers of the different religions in the country to perform their rites and ceremonies without any interference whatever. Why should the Hindus of Pandua alone be put under a disability, which does not apply to their co-religionists in any other part of the country? It is certainly the duty of the Government to preserve peace, and so long as the followers of one sect do not wantonly wound the religious feelings of those of a rival sect, it ought to give protection to all with an even hand. We do hope that Sir Richard Temple, as the common protector of both Hindus and Mahomedans, will mete out even-handed justice to both. The circumstance that Durga puja had not been celebrated by the Hindus of Pandua for a long time can be no justification for a perpetual interdiction. It is not every village, which can afford for the expensive worship of Durga, and if some Hindu inhabitants of a village, which had not seen Durga before, should acquire means to perform this most important national festival, should they be deprived of their right to exercise their religion, because theMahomedan inhabitants of it might object to it? The *bhusan*, when the religious procession is held, takes place on Thursday next, and we hope orders will be issued in time to enable the petitioners to observe the ceremony.

THE FENWA CASES.

Look on this picture and—on this!

THE morning papers publish full reports of two motions made in the High Court in the Fenwa cases. We gave last week the result of the first motion. It would appear from the published report that Mr. Bell, who moved the Court on behalf of the Crown, said "there was a very careful trial by Mr. Veasey, and the conclusion arrived at also seems to be supported by evidence. On appeal Mr. Towers, the Judge, also wrote a careful judgment affirming the conviction, and I am unable to dissent from that judgment." But perhaps your Lordships might still consider, whether men in the witness-box ought to be made criminally liable for every false statement." Mr. Justice Ainslie very properly remarked: "You can't ask us to interfere on that ground. If the men did make a false statement with the intention of making the case against Mr. Webster more serious than it really was, they must take the consequences." Mr. Bell went on: "In the confusion at the time of the attack, the witnesses might have been mistaken as to the *burra saheb* firing a gun, though it is quite clear that Mr. Webster did not fire a gun, and that he had not one in his hand. I only act up to the tenor of my instructions in asking your Lordships to send for the record of this perjury case, as well as for the records of the two other cases, and to see whether this conviction ought to stand. I cannot say upon the evidence that the conviction of these men is wrong." If this was his opinion, then the question arises why did he move at all? But he "acted up only to the tenor of his instructions!" Did he advise Government in the matter as Legal Remembrancer? After the expression of Mr. Bell's opinion we do not wonder that the High Court rejected the appeal. This is one picture.

And look on—this picture! On Monday last Mr. Manomohun Ghose made an application before Justices Pontifex and Birch on behalf of the ryots. The gist of his application was that as Mr. Bell had urged no grounds of law in favour of the ryots, the Court was unable to interfere. Mr. Ghose gave a history of the trial of the ryots. He stated that after Mr. Badcock had disposed of the case against Mr. Webster on the 6th March, Mr. Kirkwood, the then magistrate of the district, in his executive capacity recorded an elaborate memo., headed "Notes on Mr. Webster's case disposed of by Mr. Badcock," in which he directed several prosecutions against the ryots. The perjury in Mr. Kirkwood's opinion consisted of the statement of the ryots to the effect that the *burrah saheb* (Mr. Webster) had fired a gun, while Mr. Webster denied having done so, and the *chota saheb*, Mr. Macdonald, admitted that it was he who fired. This case was originally made over to Mr. Badcock, but at that officer's request it was transferred to Mr. Sarson, an experienced Deputy Magistrate of the first class. Mr. Sarson accordingly proceeded with the case, and finding the prisoners undefended, very properly felt it his duty to examine the witnesses for the prosecution somewhat closely. This examination seems to have elicited several important statements in favour of the accused, among which was an admission made by Mr. Webster for the first time to the effect that he took his "own gun for self-protection," though he added he did not use it. Mr. Sarson had examined nearly all the witnesses for the prosecution, and it would seem from Mr. Kirkwood's own statement that Mr. Sarson was not very favorably impressed with the evidence against the ryots. It was at this stage of the proceedings that Mr. Kirkwood, on the 10th of May, without any application from either side and without notice to the prisoners, called up the case from Mr. Sarson's file, and recorded a proceeding censuring Mr. Sarson for having done what, Mr. Ghose said, any one of their Lordships in the High Court would have considered it their duty to do under the circumstances, and transferred the case to the file of Mr. Veasey, apparently because Mr. Kirkwood was apprehensive of an acquittal. In this proceeding Mr. Kirkwood says that the questions put by Mr. Sarson were irrelevant; but on Mr. Kirkwood's own statement Mr. Ghose said their Lordships would see that every question put by Mr. Sarson was of the utmost importance in the case. The following is the precious memo. of Mr. Kirkwood:

A. L. Webster *vs.* certain Villagers of Lelang, &c.—I have had through the records of this case. I am compelled to say that I cannot concur in the procedure adopted in the court of Mr. Deputy Magistrate Sarson. Instead of these men, who came ostensibly as witnesses for the prosecution, having been allowed to give their evidence against the persons on their trial, judging from the record, some of them had no sooner entered the witness-box than the court put them through a cross-examination on points entirely irrelevant to the guilt or innocence of the persons on their trial.

It would appear to me that the court has allowed its attention to be diverted from the issue really before it. These issues appear to be within a small compass. They have, however, been hardly touched on by Mr. Sarson.

It appears to me that to enter into such questions, and to whether so and so on the side of the prosecution carried a gun, how many guns they carried, whether the coolie-shed was burnt or not, whether there should or should not be any bund across the stream, is to wander from the issues which were before the court. The persons affected by such an investigation would not be the persons now on their trial, but persons who have already been on their trial, and concerning whom in connection with such matters a judicial decision has already been arrived at. It is not fair, when they are now in their turn prosecuters and witnesses, for the prosecution that they should be again placed on their trial.

The firing of gun or the burning of the shed would not be irrelevant if it was attempted to be shewn that the defendants acted, as they are alleged to have done, in consequence of that or any other offensive action on the part of the prosecution. But this would involve no more than asking the witnesses whether the throwing of clods and stones on the part of the defendants, as deposed to, came before or after such acts. Were I to allow this case to proceed, and were it to result in an acquittal, the High Court would, I believe, with this record before it, quash that acquittal. In fine, I cannot ignore that the procedure in the Court of Mr. Sarson has been defective to a degree which practically renders useless the record he has found. It is with regret that I now use the power given me under Section 47 C. C. P. The case is transferred to the file of Mr. Veasey, and the trial will be commenced *de novo*.

T. M. KIRKWOOD,
Offg. Magistrate

9th May, 1876.

The false evidence case in connection with the Fenwa prosecutions is transferred to the file of Mr. Veasey.

T. M. KIRKWOOD,
Offg. Magistrate.

10th May, 1876.

Mr. Ghose then proceeded: "Your Lordships will now be able to judge whether such questions, as "who carried the guns, how many guns were carried," &c., &c., were or were not relevant to the case." Justice Pontifex remarked: "The questions were most relevant, and it was a very important statement by Mr. Webster that he took his gun."

Mr. Ghose: Mr. Kirkwood said that if the case resulted in an acquittal before Mr. Sarson the High Court would quash the acquittal; but I may be permitted to say that he does the High Court great injustice, for he ought to have known that the High Court is not in the habit of setting aside acquittals on such grounds.

Justice Birch: The case before Mr. Sarson seems to have been nearly ready for judgment.

Mr. Ghose: The defence had not been entered upon; but Mr. Sarson might have discharged the prisoners at the close of the case for the prosecution, which seems to have been nearly finished. However, the case was again taken up by Mr. Veasey, who began *de novo* and finally convicted the ryots, and sentenced them to six months, rigorous imprisonment each. This conviction was unfortunately affirmed by the Judge on appeal.

Justice Pontifex: There seems to have been an order in this case. It is very unfortunate no doubt, but how can we interfere?

Mr. Ghose: That order was passed on the application of the Crown, no grounds of law were urged. Mr. Bell expressly left it to me to urge such grounds as might occur to me, but my petition was not then ready. I asked Mr. Bell on Friday to wait till my application was also ready, but Mr. Bell was unable to do so, probably because he was going out of town. I now make a substantive application on behalf of the ryots.

Justice Pontifex: But was not Mr. Bell's application as on behalf of the ryots?

Mr. Ghose: No, my lord. It was an application by the Crown, though no doubt in favor of the ryots: but as that application did not disclose any points of law at all, this court was unable to interfere. I now move on behalf of the ryots, who cannot be bound by any order made on the application of anybody else, and I now urge substantial grounds of law. Their lordships here sent for Mr. Bell's petition and the order passed thereon, and having read these asked Mr. Ghose to proceed.

Mr. Ghose in conclusion urged that the conviction was bad and ought to be set aside—1stly, because there was no judicial sanction as required by law; 2ndly, that the transfer of the case from Mr. Sarson's file, under the circumstances, was wholly illegal, the prisoners also being materally prejudiced by Mr. Kirkwood having declared that, if the case resulted in an acquittal before Mr. Sarson, the High Court would quash the acquittal; 3rdly, because there had been a mis-trial, by reason of the seven prisoners being tried together. Mr. Ghose then read the judgment of the Judge on appeal.

Justice Pontifex: Was this judgment read out by Mr. Bell when he made his application?

Mr. Ghose.—No, my lord. Mr. Bell did not read any papers whatever connected with this case. He merely moved this court to send for the record of this case, if it thought fit, saying that he was only acting up to the tenor of his instructions, and left me to urge grounds that might occur to me. The learned counsel also moved in two other cases in which the ryots had been convicted and fined on charges of committing a public nuisance and rioting. The court then, ordered that the records of all the three cases be sent for, and that, pending the final orders of the court, the prisoners be released on bail of Rs. 50 each, and all proceedings against them in the other cases be suspended.

Let the reader look on the two pictures we have presented, and judge for himself. As the cases are *sub judice* we reserve comments.

MAGISTERIAL VAGARIES AGAIN!

HERE is another case. The following letter gives the facts of the case:

SIR—I most respectfully beg the favour of your inserting the following lines in your editorial columns for the information of the public with such remarks as you may think proper to make. Yesterday I was engaged to defend Bacharam Roy, a Police Head Constable, charged with bribery under section 161 of the Indian Penal Code.

The case was taken up by the Joint-Magistrate of Serampore Mr. Haggard, who came to court at about 2-30 P. M. After the examination in chief of the 2nd witness in the case, who seemed to me to be a very important witness for the prosecution, I commenced to cross-examine him, but the Joint-Magistrate seemed tired of writing, and was not willing at first to take down all the answers given by the witness, remarking that they were irrelevant to the issues in the case. But before making the above remarks he had reduced into writing certain hearsay statements of the first witness, which were not admissible as evidence under the law.

Mr. Editor, being the mooktear for the defendant in a criminal case, I considered it my bounden duty to submit to Mr. Haggard most respectfully the importance of taking down those answers, which the Joint-Magistrate was then pleased to do. But he seemed to be dissatisfied with me and I cut short my cross examination as much as I could possibly do.

The fourth witness for the prosecution was called in and examined in chief by the Joint-Magistrate, as the Joint-Magistrate found him making a different statement from the one he was said to have made to the Police Inspector. The Joint-Magistrate very minutely cross examined this witness and committed him immediately to Hajut in the presence of other unexamined witnesses, on a charge of giving false evidence under section 193 of the Indian Penal Code, without demanding security from him, although section 388 of the Criminal Procedure Code provides bail for such an offence.

The fifth witness was called in and examined by the Magistrate when I on my turn put one or two questions in cross examination, the Joint-Magistrate seemed to be annoyed with me and made some remarks. As I understood him to have finished I put another question to the witness, which the Joint-Magistrate held to be a contempt of court as his remarks were not finished and was pleased to impose a fine of Rs. 5 on me; as soon as I expressed my willingness to pay the fine, he changed his order, and increased it to Rs. 10; with due respect and submission to the court I offered to pay the said increased fine of Rs. 10, but the Joint-Magistrate refused the offer and ordered his court Sub-Inspector to take me into custody. While I was so placed in police custody one of my friends a brother mooktear paid the fine on my behalf into the hands of the court Sub-Inspector, an officer entrusted to collect fines. This officer went to the Joint-Magistrate with the fine, and I knew not what passed between them as I was then in custody. The man came back from the Joint-Magistrate and returned the money to my friend.

I was kept in custody for more than three quarters of an hour and taken before the Joint-Magistrate who then put me on my defence and imposed a fine of Rs 5.

It will not be out of place to state that while I was so placed in custody the Joint-Magistrate examined the remaining witnesses for the prosecution, whom I had not the opportunity of cross examining, although my brother mooktears cross-examined them, they were not so familiar with the facts of the case as I was.

Section. 435 C. C. P. provides how a charge of contempt of court is to be proceeded with. The cause which first gave annoyance to the Magistrate was this

The Magistrate did not seem willing to take down all necessary cross-examinations. It was shown to him how important they were and a request was verbally made to write down the questions and to note why he disallowed them, in case the proceedings should go to the higher court, which court would then have an opportunity of seeing how important questions were disallowed.

The Magistrate replied that he was not sitting to prepare records for the appellate court but he should record evidence to satisfy himself.

The Magistrate absented himself from the station on the 16th September.

The witness who was committed to hajut for perjury on the 15th September was ordered to furnish bail on the 18th September and was released from the hajut on the evening of that day after examining further witness for the prosecution whom the Magistrate had sent for on the 15th September.

The following is the judgment of the Magistrate in the contempt of court case. The Italics are marked by our correspondent:

QUEEN
vrs
POROMESHOR MOOKERJIE
Charge under Section 228.

Poromeshor the vakil employed in the case of the Queen vrs Bachoo Roy was cross examining a witness Mohesh Bag. He cross-examined the man on certain points which were unnecessary, the matter being perfectly clear. *He had previously wasted much time* (*a*) He proceeded to cross-examine him *as to the identity of the Jemadar* (*b*) and I pointed out to the vakil that the witness did not pretend to identify the defendant, and I further pointed out that it was only wasting the time of the court to cross-examine on the point as there was much independent evidence documentary and otherwise to show that if any Jemadar were there it was the defendant. Whilst speaking and without having any attention to the remarks I made the mooktear interrupted me in the most insolent way by continuing his cross-examination (*c*)

After the case had been adjourned (*d*) the mooktear Poromeshor Mookerjie was called up and was asked why he had insulted the court by interrupting it in the process of its remarks. He answered "at present I am in custody and I cannot therefore answer properly as I have not control of myself." He further adds, "first I was fined 5 Rs. then 10 Rs. I paid the rupees to the Sub-Inspector. He further said afterwards I gave the rupees to the Sub-Inspector and was kept in custody for three quarters of an hour after that"

On being interrupted by the mooktear in the way of which I complained, I *said I must fine him* 5 *Rs. and then that I must fine him* 10 *Rs.* (*e*). But I immediately noticed that the interruption had heated me and that I was no longer in a judicial frame of mind. I also bethought me that it was not legal to fine any one without taking his statement and that the law directs that a person so interrupting the court *might be removed from the court* (*f*) and brought up at any time before the rising of the court. I accordingly ordered his removal. He asked to pay the fine at once I replied *that I gave no final order* (*g*) and the mooktear was removed.

I then proceeded with the case. During the progress of it the Court Sub-Inspector came and said that the mooktear had paid the fine and asked if he should be released. I replied that I had not settled the case. (*h*).

I think the mooktear lost his temper (*i*) and was as so wilfully interrupting the court. Mooktears are allowed great privileges in respect of their proceedings and I think that at any rate they should listen respectfully to such observations as the court has to offer on their mode of cross-examining and the undesirability of spinning out a case.

As a first offence (so far as I know) I treat Poromeshor Mookerjie leniently.

The court finds that Poromeshor Mookerjie has intentionally insulted and interrupted this court during a judicial proceeding and sentences him to a fine of 5 rupees (five).

(Sd.) A. H. HAGGARD
Joint-Magistrate

The defendant paid the fine at once, so I infer it had not been paid before. (*j*).

The aggrieved has furnished us with the following notes on the above:

(*a*) Not at the least the records would show how brief was the cross-examination and to what important points it was directed.

(*b*) It was very necessary, as the witness told in cross-examination that he did not see the Jemadar.

(*c*) The court should have stated the nature of interruption given, no such interruption was offered as stated. Mooktear understood that the court had finished with its remarks and only one question was put to the witness.

(*d*) The case was not adjourned a certain number of witnesses was examined by the Joint-Magistrate after putting me in Police custody which I am in a position to prove.

(*e*) The word *must* was not used by the Joint-Magistrate, I am in a position to prove this; No sooner I expressed my willingness to pay the fine than it was increased to Rs. 10, when I offered to pay this fine I was taken *into custody by order.*

(*f*) Then and there made over into custody, Magistrate uses the word *remove* but does not state whether or not he gave me into police custody.

(*g*) This was not in my hearing.

(*h*) If the words *must fine* were used by the Magistrate why did the Court Sub-Inspector receive the fine and ask the Magistrate for my release.

(*i*) Mooktear was as sober and calm as possible and he was listening to the court with due respect. Mooktears know very well how to behave in a Court of Justice.

(*j*) 10 Rs. fine was first paid into the hands of Court Sub-Inspector, who returned the money after asking the Magistrate.

Comments on the above are superfluous. Magisterial vagaries seem to be on the increase, and will the Government take no notice of them?

THE VERNACULAR PRESS AGAIN.

THE periodic wave against the Vernacular Press has surged up again. The *Pioneer* makes an article in the *Amrita Bazar Patrika* a peg to hang thereon a tirade against the whole body of the Vernacular Press. It parades the following extracts from the *Patrika's* article in question:

"We come to the leading article, which is a gem in its way, and is worthy of a corner in the commonplace books of Lord Salisbury and His Grace of Sutherland. The title is a telling one, *The Reign of Satan*: and the theme is clearly set forth in the first paragraph. "If there is however, any truth in the above belief (that nations are sometimes punished for their wickedness), the end of Europe is drawing nigh; for a more wicked race than the Europeans never polluted the earth, nor disgraced humanity." "This is both candid and forcible; and the evidence brought forward to support the thesis is overpowering, and amply justifies all that the Duke of Sutherland has ever said, or that the Viceroy has written. We will take sentences here and there. "Europe is the nest of robbers civilized and enlightened. One thought only guides the nations of Europe, and that thought is how to rob another." "Agriculture, arts and commerce, and good government are neglected to maintain a formidable band of robbers." "They make friends, like the *dholes* of the Himalaya, to hunt in packs, and then quarrel upon the carcass. Interest makes them friends and interest only, and even when friends they cut each other's throats if they find one unguarded moment." "The greatest cheat in Europe has the chance of being the greatest man there. An honourable man has not only no chance, but he is an object of pity." "Treaties to them are binding so long as they dare not, or it is not their interest to break them." "The same sentence can be rendered into 'ayes' and "noes" according as it suits their interest, and the languages of Europe are standing proofs of the wickedness of its inhabitants." "Such is Europe and its inhabitants," concludes the *Patrika*; and the English reader, having been well buffeted through a column and a half of wholesome truths, and being thoroughly convinced that he and his countrymen are a very bad lot, hopes now to be let off. But the *Patrika* has one more point to make. Do the Marquis of Salisbury and Lord Lytton believe that the *Patrika* is going to be humbugged by specious pretences and Fuller resolutions? They must be undeceived. "To adopt a sanctimonious tone in public life, to present always a respectable exterior, is also one of the requirements of the present European morality. Asiatics lie no doubt, but because they cannot conceal their lies like their civilized Aryan bretheren of the West." The sentence is a little obscure, but its general drift at all events is intelligible."

Now, is it fair or just to stigmatise the whole Native Press for the faults of one? Cannot worse passages be quoted from Mr. Holyoake's paper, Reynolds' Miscellany, or Keanealy's *Englishman*, and what would the *Pioneer* say, if the whole English Press were judged by these journals? The Vernacular press we can testify is rapidly improving in matter, ability and tone. Its loyalty cannot be questioned for a moment. The conductors of the Vernacular Press are well aware that the people of this country have every thing to lose and nothing to gain by a change of rule. It is true that they criticise sharply public men and measures, but that is the legitimate function of the Press. If they err, and we do not deny that they do err, it is because they are not assisted by Government, or the public with accurate or reliable information. The Government, we are sorry to own, does not shew the vernacular papers the same courtesy, which it shews to the Anglo-Indian and Indo-English papers. It does not as a rule furnish them with its reports and papers. Then the local officers look upon them with a feeling akin to jealousy. Cases have been brought to our notice in which persons supposed to be connected with the vernacular papers in the mofusil have incurred serious displeasure of the district officers. Vernacular journalism thus labors under disadvantages, of which our Anglo-Indian contemporaries have no idea, and they ought to be commended rather than censured for what they do really accomplish. Indeed, the growth of the Vernacular Press of

late years is remarkable. Some of our Vernacular contemporaries, for instance the *Shomeprokash* and the *Sahachar*, discuss public questions with an intelligence and ability, which are highly creditable to them. It is not therefore fair to denounce the whole Vernacular Press by pointing to lapses here and there. Then the *Anglo-Indian Press* is largely to answer for the *tone which the Vernacular* Press sometimes assumes. *The Pioneer* is itself an arch-offender *in this way. Its rancour against the children of the soil is notorious ; it seldom* loses an opportunity to paint them in the worst colors imaginable, and when it accuses the Vernacular Press of violence and antipathy against European, it only reminds us of somebody abusing sin. The Vernacular Press is a pillar of the State ; it interprets the rulers to the ruled, and *vice versa* ; and it is fully conscious of the magnitude of its self-imposed responsibility. If the Government seeks to interfere with its liberty, it will destroy one of the most useful and powerful instruments for reviving Indian life and regenerating the Indian mind.

AN APPEAL FOR MERCY.

A MOVEMENT has been made by the inhabitants of Rajshye to petition His Honor the Lieutenant Governor for mercy for a poor youth, a boy of 16 or 17 years of age, who has been sentenced to transportation for life on conviction of a charge of murdering his wife. The papers and petitions made in this case have been laid before us, from which we find that the evidence against the prisoner was not quite conclusive. The Sessions Judge who convicted him remarks : "For the accused there is the entire absence of any proof of motive, or of antecedent circumstances likely to lead to the act, his general character and the disposition towards the deceased, the fact that the body and the bloody cloth were not thrown into the stream, though close by, and though this was apparently the most natural thing to have done and that he did not himself abscond or endeavour to trump up an accusation against any one else, and lastly it is not impossible, that some one else might have strangled the deceased. Thus it might have been that the girl went out and met some marauder roaming about with evil intent, and was about to raise an alarm, to prevent which she was strangled. This is almost the only conceivable hypothesis if the accused be supposed not to have been the murderer. That it is probable one can scarcely be said, still as long as it remains unrebutted the probability of the hypothesis raises a doubt, of which doubt the accused is entitled to claim the benefit. In a case like the present, where there is no direct evidence against the prisoner, where the prosecution accuse him because there is nothing to show that he was not the murderer, and it is more likely that he was so than that any one else was, and where the accused has all along maintained an attitude of denial, we are scarcely competent to reject a saving hypothesis of this kind, and to say that a doubt is not raised, unless we find something in the case distinctly militating against its truth, either in circumstances proved or in the conduct and statements of the accused." The circumstances on which the Sessions Judge and High Court reject the saving hypothesis are firstly that the prisoner was the person with whom the deceased was found to have been before she came by her death, as the prisoner boy and the deceased girl being husband and wife had been admittedly sleeping in the same bed in the night that the death occurred ; and secondly that the probable cause of death as alleged by the prisoner (who it should not be forgotten was making statements on mere guess such as his power of thought suggested) did not tally with the opinion of the Native Doctor. In one of the memorials the memorialists state : "That Your Honor's humble Memorialists personally saw the dead body just at the dawn of the day succeeding the night of Bama Sundari's death. They found the girl lying on the bank of the river flowing down the village. They examined the place where the deceased lay, and saw that the ups and downs of the bank and the *lau* and *bhellan* bushes on it prevented the body from rolling down to the watery surface. They examined her body too, and found no marks of strangulation or throttling on the neck that might raise suspicions about her being murdered by her husband or any one else. The only mark they could see on the body was some black spots underneath her ears, and the marks appeared to have been but natural ones. It seems very strange therefore how could the Native Doctor think the death did occur by pressure on the throat. That your Honor's humble Memorialists beg to state that the girl had chronic diarrhœa and was too much weakened with her long illness. As was usually the case she might, most probably, have gone to the river bank to ease herself, and perhaps fallen on the ground there which has brought on her end. She did not request any one to accompany her to the river-side, probably because of the two girls lying in her own room one was too young, and the other too sick to do her that piece of service in the night-time. She was ashamed, perhaps, of calling her husband or brother-in-law (the accused's brother) who as stated above, were also in the same house, as Hindoo women are generally too scrupulus to speak to a male member on any such matters."

The Judges of the High Court, who heard the appeal of the prisoner, it would seem, were not without doubt as to the fault of the prisoner. Mr. Justice Kemp admits that "the absence of any proved motive is so far in favour of the prisoner." The late Mr. Justice Glover remarked : "This case is one of very considerable difficulty. There is no direct evidence against the accused. No suspicion appears to have attached in the first instance to the accused, he had always appeared to live on affectionate terms with his wife and no noise of quarrelling had been heard by the neighbours on the night of the girl's death. The medical evidence points conclusively to death having been caused by strangulation, and the black marks on the child's neck were, according to the Native Doctor caused by the pressure of fingers. The wounds or abrasions on the face, and the injury to the nose were inflicted according to the same authority during life. This at first sight presents a difficulty, for if the wounds were inflicted during life, it is reasonable to suppose the girl would have screamed out or made some sort of disturbance sufficient to have aroused the neighbours, but then the only neighbour (Kali) who lived near enough to have heard, the other houses were none of them nearer than a russee (80 yards) gives evidence which is strongly biased in favor of the accused and his demeanour is stated by the Judge not to have been good. The accused slept with the deceased on the night of her death, his conduct after her disappearance and his neglect to take steps to see what had become of her is suspicious : the child was certainly murdered by strangulation and there were marks of fingers on both sides of the throat. It is possible that the girl's death was the result of her resisting her husband in his attempt to have connection with her. But be this as it may, I do not think that the circumstances of the case give rise to that reasonable doubt of the prisoner's guilt which would enable us to say that the Judge has come to a wrong decision."

Taking all the circumstances into consideration we are humbly of opinion that the charge was not clearly brought home to the prisoner, and the benefit of the doubt ought therefore to be given to him. We venture to think this is a fit case for the exercise of the royal prerogative of mercy.

LATEST NEWS AND NOTES.

WE CLAIM our annual holiday for next Monday on account of Durga Puja.

WE GREET our readers on this auspicious occasion with the announcement of an act of grace on the part of His Honor the Lieutenant Governor for which we cannot feel too grateful to him. The whole Hindu community had in one voice moved Sir George Campbell for the remission of the sentence on poor Nobin, the victim of the Mohunt of Tarakeshur, but without effect. A petition we believe was lately made to Sir Richard Temple, who has passed the following orders :

No. T 2559.

To

THE INSPECTOR GENERAL OF JAILS,

SIR,—The Lieutenant Governor has had under his consideration the case of Nobin Chunder Banerjea, who was tried on the 11th September 1873 by the Sessions Judge of Hooghly with a jury for the murder of his wife "Elokassee," at the village of Koomrool in the Hooghly District. The jury found that the prisoner had caused the death of his wife, but that he was not guilty of murder, because when he killed her, he was of unsound mind and incapable of knowing what he was doing ; but the Judge disagreeing with the jury referred the proceedings under Section 263 of the Criminal Procedure Code to the High Court, and that Court also disagreeing with the jury, sentenced Nobin Chunder Bannerjea under Section 302 of the Penal Code to transportation for life.

2. A perusal of the proceedings and the papers in the case leaves no doubt in the mind of the Lieutenant Governor that the prisoner when he committed the offence for which he was so sentenced was laboring under the most violent grief and excitment consequent on discovering that his wife had been seduced by the Mohunt of Tarkessar and that he acted under extreme provocation.

3. Under these circumstances and in consideration of the wide sympathy, which was and is felt for the prisoner, the Lieutenant Governor is disposed to think that the period of imprisonment in transportation which Nobin Chunder Banerjea has already undergone will be sufficient punishment for his offence with reference to the peculiar circumstances which attended its commission, and His Honor has therefore been pleased in the exercise of the power vested in him by Section 322 of the Criminal Procedure Code, to remit the sentence of Nobin Chunder Benerjea and to direct his release.

4. If the prisoner is now at the Andamans, I am to request that you will be good enough to apply at once to the Superintendent of Port Blair to have him sent off to Calcutta by the next steamer.

I have &c.,
(Sd.) R. L. MANGLES,
Secy. to the Government of Bengal.

Darjeeling, the 20th September 1876.

Durga bless Sir Richard Temple !

WE GIVE a prominent insertion to the following circular, which we have received from the Bengal Government :

A CASE has recently been brought to the notice of the Government in which a District Magistrate having himself enquired into a case, and being a material witness for the prosecution, sat on the bench which tried the prisoner, and also gave evidence against him.

2. In important and serious cases like the one in question in which a Magistrate, proceeding in accordance with the directions contained in circular order No. 60 of the 15th of November 1871, has taken up the enquiry in person, has himself traced out evidence, and has recorded it as found, it may sometimes happen, that owing to his having been the investigating officer, he will be in a position to give evidence of facts which it may be material to prove in the course of the trial. It will probably, however, seldom happen that he is the only person who can depose to these facts, and that consequently it will be necessary for him to give evidence. But should any cases occur in which the evidence of the Magistrate himself is necessary "for the purposes of the prosecution," the Lieutenant-Governor hopes that arrangements will always be made in future to have such cases tried by some other officer.

3. At head-quarter stations there will never be any difficulty in the matter. But when such cases occur at sub-divisional stations, the sub-divisional officer should always make a representation on the subject to the district officer, who should then decide whether the case should be committed to the Sessions, or transferred for trial to the head-quarters, or whether some officer from the head-quarters should be deputed to try it at the sub-division.

4. The Lieutenant-Governor is unwilling to lay down any strict rule binding the discretion of Magistrates, but he would wish them carefully, in each case, to consider how best to meet an obvious difficulty, and to lessen as far as possible the inconvenience necessarily attendant on the practice of calling Magistrates as witnesses.

5. In the case in question, which has been already referred to, it further appears that another member of the bench was a Government officer who was primarily responsible for the money for the misappropriation of which the prisoner was being tried. This fact has given rise to the objection that this officer, while sitting in judgment on the prisoner, was substantially interested in the result of the trial, The Lieutenant-Governor need scarcely point out how necessary it is that all objections of this nature should be carefully avoided. The case, he hopes, is quite an exceptional one, but as it has occurred, he deems it advisable to call attention to the matter, and to impress upon all Magistrates that they should neither try nor permit subordinate Magistrates to try any cases in which they may have any direct, or indirect, interest, or in which there may be any grounds for imputing any partiality to their proceedings.

6. Cases of this nature can but seldom occur, but the Lieutenant-Governor trusts that when they do occur, arrangements will be made in the manner already indicated, for having them tried by some officer not in any way interested in them.

The case referred to we surmise was the Midnapore jailor's case, on which we commented a few issues back.

SIR STUART HOGG, Chairman of the Calcutta Municipality has instituted an action in the Police Court against Mr. James Wilson, Editor of the *Indian Daily News*, for libel. Mr. Carruthers appeared with Sir Stuart Hogg, and supported his application to the Magistrate for

summons by reading extracts from the articles alleged to be libellous.

"Mr. Carruthers.—Allegations of this sort, if allowed to pass uncontradicted, will render my client liable to three and even seven years' rigorous imprisonment, besides a fine. It is perfectly monstrous that newspapers should be allowed to publish articles of this kind.

Magistrate.—You are certainly entitled to a summons, Mr. Carruthers; you can have one. If you have not already done so, draw up the form in which you wish the summons issued, and it will be done accordingly.

Sir Stuart with his solicitor after this retired, the latter promising to do the needful."

Soon after the solicitor presented the "form," and summons was granted by Mr. Marsden, the Magistrate. The case will be heard on the 4th proximo.

WE HAVE received a statement issued by Sir Stuart Hogg containing particulars regarding the second election for Ward no. 7 with special reference to remarks made in the *Indian Daily News* of the 19th and 20th instant. It shews that throughout Sir Stuart's proceedings have been above-board. The statement seems to be plain and unvarnished. We abstain from making comments, as judicial proceedings have been instituted in reference to this matter. We cannot however, withhold our testimony that throughout the election business Sir Stuart has acted zealously, fairly, and impartially.

THE MAHARAJAH OF KOTAH had been in considerable excitement for some time past in consequence of the contumely with which he complained he was treated by his minister, Newab Sir Faiz Ali Bahadur, to whom the management of the State had been made over at the instance of the Political Resident. His Highness had made representations to the Resident and the Foreign Department but without effect. His Highness then made a personal appeal to His Excellency the Viceroy, and Lord Lytton has given him a hearing. The Minister has been recalled to Simla, and an enquiry into the charges brought against him has been promised. Who will conduct the enquiry? We will notice the case in a future issue.

HIS HONOR the Lieutenant-Governor has recorded a second minute on the enforcement of the Land Registration Act. In this minute His Honor announces his intention to abandon the Bill for the management of joint estates. His Honor says: "In 1874 and 1875 we had it in contemplation to bring before the legislature a Bill for the appointment of managers in joint undivided estates, in order to prevent the tenantry being harassed by several collections of rent being made by the various sharers, a grievance of which there had been much complaint. But it became evident that this measure would be distasteful to the proprietary classes; and, while adhering to our desire to protect the tenantry in its respect, we were disposed to seek for some other means of fulfilling it. As the Bill for the registration of possessory titles advanced towards maturity, it appeared that some sections might be introduced protecting the tenantry of such estates against the chance of being troubled to pay rent more than once to several sharers in the estate, and that, if sections to this effect should be passed, the necessity of enacting a law for the appointment of managers in the joint undivided estates might be obviated. Opinions tending in this direction were specially urged by some of the native members of the Legislative Council. After some discussion, and with the assistance of the Advocate-General, some sections with this view were inserted in the Bill and passed. Consequently I have relinquished the intention of proposing a Bill for appointing managers in these estates, for the present at all events, until we can see whether the desired protection is afforded to the tenantry by this Land Registration Act." This is a wise resolution.

IN REVIEWING Mr. Buckland's annual report on the Presidency Division the Lieutenant Governor considers it "as being full of suggestive observations, the outcome of a wide and matured experience." His Honor remarks that the work of the Presidency Commissioner is very onerous. In addition to the administration of four regular districts, there are the land revenue and excise of the town of Calcutta, and the settlement operations of the Commissioner of the Soonderbuns, as well as the administration of the Nuddea Rivers and Calcutta Canals, which are all under the control and supervision of the Commissioner. His Honor might have added that the proximity of the Division to the centre of public opinion and the love of constitutional rule which English education has fostered in its people adds not a little to the difficulties of administration. It is proposed that the charge of the Soonderbun Commissionership, or of the excise of Calcutta, might be conveniently placed under the Board of Revenue, and the Lieutenant Governor has this proposal under consideration.

WE HAVE MUCH pleasure in transcribing the following resolution of the Lieutenant Governor:

"The rainy season of 1875 was marked by disastrous inundations in the district of Tipperah, which seriously affected the outturn of the winter rice crops, especially in the subdivision of Brahmunberiah. In consequence a limited distress prevailed during May, June, and July last among the poorer classes. All serious effects, however, were averted by the liberality of the zemindars and the vigilance of the local officers. It is reported that the zemindars all behaved well and were considerate to their ryots, especially Baboo Anoda Persad Roy, Baboo Eshan Chunder Roy, and the Rajah of Hill Tipperah.

2. Baboo Anoda Persad Roy, of Cossim Bazar, opened out five centres of relief operations, where rice and money were distributed to all deserving persons in need of relief. His agent was also directed to find out middle class families who, though feeling the pressure most keenly, would not resort to the relief centres, and to administer relief to them. An expenditure was incurred amounting altogether to Rs. 2,300.

3. The Lieutenant-Governor takes this opportunity of acknowledging the liberality of Baboo Anoda Persad Roy, who has set a most excellent example to other zemindars, and His Honor is glad to see also that his example was followed by others."

Babu Annodapersad Roy is one of the most public-spirited zemindars of Bengal. He distinguished himself greatly by his librality during the late famine He is a liberal supporter of schools and other objects of public utility. It is strange that while honors have been showered upon others, far less deserving, this gentleman has passed unnoticed.

HIS HONOR makes the following remarks on the operations of the Road Cess Act in the Dacca Division:

"The remarks of the Commissioner regarding the operation of the Road Cess Act are also worthy of notice. It is stated that the ryots are now, and have been for months past, taking copies of such portions of the returns and valuation rolls as relate to their holdings, with the obvious intention of resisting anything beyond the legal demand. At the same time the Lieutenant-Governor observes that it is said that at least in one district of the division the zemiadars are in the habit of levying a sum from the ryots in excess of what the Road Cess Act allows, and that in one estate recently taken charge of by the Court of Wards, in which the owner was esteemed to be popular, as being a landlord considerate towards his ryots, this levy had been at a rate of four times the legitimate demand. It seems remarkable that the ryots should acquiesce in such demands if their independence is really so great as it is stated to be.

We had apprehended this abuse on the part of unscrupulous zemindars, and the better class of zemindars were opposed to the transfer of the collection of the Road Cess from ryots to that body. But the Government obstinately adhered to its own idea.

HIS HONOR the Lieutenant Governor makes the following remarks on the silver question:

"The Lieutenant-Governor has already expressed his belief that the depreciation in the value of silver has not yet affected the price paid for produce in the interior of the country; and though no doubt the lessened purchasing power of the rupee will ultimately influence favourably the position of the producer, whose wants are few and simple; it seems that the increased price of rice, which has been gradual for many years past, is due to intrinsic causes, such as pressure of population, a greater foreign demand, briskness of trade, and increased facilities of communication. In most parts of Bengal it was the case that, during the past year, after a favourable harvest, the prices of food were lower than they had been for some years previous. Even at the present time the prices are lower than is usual at this season of the year and show no tendency to rise. The absolute value of the rupee has fallen; but it cannot be said that this fall has yet been accompained by any diminution of purchasing power, so far as the great staples of local consumption are concerned. The rise in the value of produce from this causes must, however, only be a matter of time and the higher prices now paid in Calcutta must soon influence the prices paid in the interior at the large marts, and at the last affect even the pretty transactions between the local dealers and the cultivators themselves. From an economic point of view, it must always be iteresting to trace the effect of the fall in the value of silver as it gradually diffuses itself in India; and the Lieutenant Governor trusts that the attention of officers will continue to be drawn to the operation of this difficult but most important occult movement, which so vitally and in so many ways concerns the interests and welfare of the country.

As the fall in the value of silver is calculated to stimulate export, the producer is likely to benefit.

THE VERNACULAR PRESS.

Referring to Sir Richard Temple's Resolution on the Kirkwood case, the *Shomeprokash* observes, that Sir Richard Temple is a remarkably sweet tongued Governor, and he excells all his predecessors in inditing minutes and resolutions. It is true, Sir George Campbell encouraged and supported the Magistrates and the Police in all respects, but the abuses and illegal proceedings which they have been perpetrating in Sir Richard Temple's time, they dared not practise in Sir George Campbell's time. Sir Richard contents himself with inditing minutes in noticing these deeds of maladministration only. Sometime His Honor is lecturing the Calcutta Police on the proper performance of their duties, sometimes he is drafting a long discourse censuring the proceedings of self-willed Magistrates, but there ends his action. The Police and the Mofussil Hakims do not set any value on these lectures and discourses. The more the people cry, the more barren minutes Sir Richard throws upon them.

The same journal laments over the woeful state of the municipal arrangements of Bhobanipore. Its roads are converted into streams when there is shower of rain and when there is high water in the Nullah. In the dry weather these roads paint the wayfarers in a diversity of colours, in the wet weather they soak them. These suburbs abound with pits and pools, and their water-courses have no outlets. When there is a heavy shower of rain all of them fill to overflowing, and we then have our doubts whether we are denizens of a town or ducks of a *bheel*.

Referring to Sir Richard Garth's minute on the reform of the mofussil courts the *Bharat Mehcer* observes that every line of this document teems with legal wisdom. It describes in unvarnished language the real state of the mofussil courts. Those whose thoughts have not been matured may treat this paper with indifference but for those who have an eye to the welfare of this country we make some extracts from this minute.

A correspondent of the *Education Gazette*, Babu Kanty Chunder Sircar, brings to the notice of the Sub-Divisional Magistrate of Baraset the outrages practised by the coolies who have been engaged to plant out trees on both sides of the imperial high road which pass through Baraset. These coolies live in a hut on the road-side and they exact blackmail from all petty carriers of goods, goat herds, and cow-herds and carters. Those that refuse are subjected to rough treatment. Their annoyances have become past all endurance.

LOCAL.

BRITISH INDIAN ASSOCIATION.

(Continued from the Supplement.)

Babu Digambar Mitra, C. S. I., said: Mr. Chairman,—The Hon'ble the Chief Justice has been kind enough to favor the British Indian Association with a copy of his Lordship's minute on the subject of the constitution of Appellate Benches for the Mufasal. This subject has for many years engaged the attention of this Association, and it is a matter of no small satisfaction to them to know that the sentiments and opinions, which they have from time to time expressed for the reform of Mufasal Courts, have been endorsed by such a high and distinguished authority as the hon'ble and learned Chief Justice. Sir Richard Garth has approached the question with a thoroughly unbiassed mind, and the earnestness with which he has enforced his views deserves the grateful acknowledgments of this Association.

Amid the general improvements made to place the administration of justice in the Mufasal on a satisfactory footing, the District Bench alone remains untouched. The procedure regulating the Civil Courts has been improved; the Bar has been considerably improved, so has been the subordinate Bench which, in point of legal education and general efficiency, is considered superior to the District Bench; even the character of the ministerial agency has to a certain extent been improved; but the District Courts remain what they were; aye, these are even considered to have deteriorated; younger men are now appointed to the District Judgeship, and not only do they bring less experience, but, devoid of the old Collectorate training, they have not, if I may so express myself, the bone and muscle of the Mufasal Judge.

It is therefore in the highest degree necessary that the District Bench should be strengthened. It would have been certainly desirable if a composite Bench, such as Sir John Peter Grant had proposed, this Association has always advocated and Sir Richard Garth also prefers, could have been carried out; but that scheme would be very expensive. We must therefore for the present be content with the instalment of reform promised in Sir Richard Temple's scheme of Appellate Benches consisting of two Judges, a civilian and a native. But the Association have given their opinion that the *sine qua non* of such a scheme should be in perfect equality between the two Judges; and I am exceedingly glad to observe that Sir Richard attaches just importance to this point His Lordship observes: "In the letter of the British Indian Association, to which I have already referred, great stress is laid, and very properly so, upon the independence of the native Judge, and his equality with the European being duly preserved. Without such independence and equality it is impossible that the combination of the two elements would work satisfactorily." In fact the new Bench would then prove a curse instead of a blessing. If the position and prospects of the native Judges would in any way depend upon the good will of his civilian brother, he would necessarily feel himself fettered, and therefore unable to act with independence and self-respect. His sense of subordination would always tend to repress his higher sense of duty, and the result would not unfrequently be "ditto to Mr. Burke." But it would not be sufficient to merely constitute the District Bench in the manner proposed. There is doubtless, a large body of legally educated native gentlemen from among whom the native Judge may be selected. There are able and experienced subordinate Judges and first grade Munsifs, who would do honor to the District Bench; then the Bar of the High Court could supply competent men to any number. The question, was, could the Civil Service, under the existing system

furnish men with the required Judicial ability and experience for the District Bench? Sir Richard Garth, quoting Mr. Justice Markby, doubts very much whether 11 civilian Judges can be found 'with sufficient experience and legal knowledge to perform the duties efficiently, and to command the confidence of the public.';

t Now, the fault was not with men, but with the system under which they have been brought up. There is no legal training provided for them; they begin as assistant and Joint Magistrates, and, under the new system of parallel promotion, they are at once raised to District Judgeships. It is of the utmost importance that a proper judicial training should be given to the civilian Judges, and the Association ought to address the Government on that subject.

The hon'ble Raja Narendra Krishna, Bahadur, said: Mr. Chairman,——The Indian Legislative Bill lately discussed in Parliament, although it purports to consolidate the limitations upon the legislative powers of the Governor-General, and to re-enact the existing laws with reference thereto, contains one or two provisions which we regard as fraught with serious consequences to the people of India. The sanction of the Governor-General to any law passed by the local legislatures has hitherto been deemed final and sufficient, but the new power which it is intended to be given to the Secretary of State of disallowing either wholly or in parts, any such law will, it is feared, work prejudicially to the interests of the country. Local Governments, aided by the representatives of the various interests of the country, are the best judges of the wants and requirements of the people under their respective jurisdiction. They are also the proper repositories of the needful knowledge of the history, of the economical, intellectual, and moral conditions of such people, of their manners customs, religion, and habits of life. This knowledge is moreover supplemented on each occasion when a Bill is introduced into any local Council, by fresh information gathered from discussions by the press, and intelligent local communities, and from official sources. A measure to be useful and suited to the time and country must have much knowledge, experience, and information to support it. Then, again, when such Bill is passed into law, and submitted to the Governor-General for his assent, it undergoes a careful examination by experienced and wise counsellers, and the public obtains a new opportunity to express their views. The provision, therefore, which vests the Secretary of State with the power of obliging the Viceroy of India to abandon an enactment, or to pass it in a mutilated form may, in the absence of proper information regarding Indian matters in England, and of that knowledge of local questions and details not procurable in that country, be productive of more evil than good, not to mention the perturbing influences of ministerial views, and party interests which may work on the Westminister deliberations, I think it is not desirable that the legislative powers of the Viceroy should be restricted in the direction I have indicated. While in matters of legislation if a general controlling power rests with the Secretary of State as at present, and the initiative in every instance is taken by the Viceroy, the country has nothing to fear for.

Babu Jodulal Mullik said: Mr. Chairman,—I am every glad that our worthy Vice-President has taken up the most important subject of the day—the improvement of the Mufasal Courts in Bengal. This question has cropped up in connection with the Civil Appeals Bill, which this Association so strongly protested against being passed into law long ago. It is fortunate for the people of this country that we have now at the head of the Judicial Service a man like Sir Richard Garth, who fresh from England, with English ideas, is able to advise the Government on the subject, and give them the benefit of his learned opinions. You have all seen the admirable minute he has written at the request of the Government of India on the subject. Well, the first speaker has alluded to the important features of that minute, but there are just one or two things that I will take up. The Hon'ble the Chief Justice suggests that the best composite Bench that can be formed is that made up by a civilian, a native, and a barrister Judge. This is in fact, the same proposition as that made by Sir John Peter Grant many years ago, but the question that now remains to be thought of is, whether the present state of the finances will allow the establishment of such an expensive machine. If this can be done, it will certainly be the best mode to secure the end in view. but the next best proposition is that suggested by Sir Richard Temple, namely, that of having a native Judge and an English civilian Judge. It has been doubted by the Judges of the High Court, whose opinions on this subject are entitled to great weight, whether the majority of the civilian Judges are any better than those subordinate to them, and on whose judgements they sit on appeal. The first step therefore to be taken in this matter is a thorough separation of the Judicial and Executive Services, and unless that is done, we shall continually have round men in square holes. When a civilian first comes to this country, he is engaged for sometimes, as long as fifteen and twenty years, in the administration of criminal law. Now, just fancy a man, the best portion of whose life has been passed in these duties, after 20 years, being asked to take up duties of a diametrically opposite nature—the administration of civil law, Again, formerly our munsifs were not so clever as they are now. At present we have Bachelors of Law from the University, and it is acknowledged everywhere that they are a superior class of men; there can be no doubt that English judges would be just as good if they were trained up as the Munsifs are, that is to say, if they received a proper legal training, and not the training they now receive. I think Government should take up this subject, not as an integral question, but as a question affecting the interests of the whole community in the country. As regards barrister judges, I don't think we can get competent men on a salary of Rs. 2,500 per month. We cannot disguise the fact that for Rs. 4,000 per month we cannot get Judges of the stamp of the Judges of the old Supreme Court, and it is not at all likely that we will get competent men for Rs. 2,500. In appointing subordinate Judges to sit with District Judges, Government should be careful not to appoint such men who have for a long time been subordinate to District judges, because, although some of them will fill the posts with justice to themselves, it is probable that a man who has for years been subordinate to a certain District judge, will not be able to exercise an independent judgment sitting with him. But, as Mr, Justice Markby has remarked, we can turn to the Bar for competent men if we cannot find them in the service. I have no doubt if a proper selection be made, men from the Bar will redeem the character of the natives of India, and show them to be persons who can act with perfect independence. We have seen already that the three judges who have been appointed to the Bench of the High Court have fully borne out the expectations formed of them. and some of them have held their own against the best English judges who have come out to this country, and I have no doubt if, as I said a judicious selection is made, we will have competent men from the Bar to sit with the District judges and decide suits.

Dr. Rajendralala Mittra said, he begged to call attention to the discussion that had recently been going on in the public papers on the subject of the Civil Service examinations. The changes which had recently been made in this matter were, there could scarcely be any doubt, highly injurious to the people of this country. Whether as candidates for office, or persons to be placed under those candidates when in office they would for certain suffer. But taking a broader view of the subject, he could also add that they would lower the status of the Civil Service. It was true there was to be no change in the number of marks which were requisite to enable a man to pass the examination, but it was impossible to conceive that a young man of 17, 18, or 19 years of age should possess the same amount of knowledge as a man of 21. It was well known that the period between 18 and 21 was a critical one, and young men rapidly advanced in knowledge at that age. A young man who, at 17, might be considered a promising youth, might easily break down at 20, while, on the other hand, however hard the crammer might ply his art, a man who passed a creditable examination at 21 was not likely to break down afterwards. Now, under the new rule, as young men of 17 and 18 would pass the examination for the Indian Civil Service, many would afterwards break down, and the result would be that they would have in future as many hard bargains as they had in the days of the old East India Company. Was it of any advantage then to the country and the service that the age should be lowered? Doubtless it would be of advantage to *paterfamilias* in England, Scotland, Wales, and Ireland, that they should try to get their sons into the service at 18, and if they failed, they could at that age get them to enter into some other service, and it was also perfectly true that if a man failed at 21, there was less chance for him to enter another service at that age. But it would not benefit India in the least. The course proposed was one which would result in the people of this country having to pay for hard bargains, and to pay likewise for the maladministrations of those who would be placed above them. The change in the age was also a change against the people of this country, because fathers here could not send their sons to England at so young an age to compete at the examinations. No Indian father would send a young man 16 years of age to England to study, and if he (Dr. Rajendralala Mitra) had read any thing of History, no English father would send a boy 16 years of age to a country 9,000 miles away, for the purpose of passing a competitive examination. Thus, while the authorities had prevented examinations being held in this country, they also practically prevented young men going up to England to pass the examination there. It was all very well to declare in proclamations and despatches that the door was open to all, but things were managed in such a way that the feet of some were pricked in the passage, while others were allowed to pass on. This was playing false with the people of this country. It was saying to them "come in and enjoy yourself," as the stork said to his guest (laughter); but there was little chance left for the guest to partake of the treat. It was the farthest from his wish to say that the Secretary of State had deliberately designed these rules for the purpose of preventing the natives of India from going up to England to compete at the examinations, but he believed these rules were thought advantageous to the people of England, and so they were adopted without any thought as to what would be their practical effect on the people of this country, and that is what he wished to point out.

It might doubtless be said that if the door to competitive examination was closed against the natives there was another and an easier one opened for them; and a great deal of these changes, he dared say, was owing to the law passed about six years ago for the admission of natives to the Civil Service in this country without any competitive examination. But he could not look upon the new door with any favour. For himself he would say that he would not go to heaven by the backstairs, and the whole drift of this law was to provide a backstairs for admission to the heaven-born service (laughter). A great deal might be said in favour of careful selection after long and well tried service, but it was not always practicable, and it was surrounded by many difficulties which could not be overcome. After all human nature was peculiarly susceptible to butter (laughter); if you plied butter ever so slowly but steadily, you would overcome all difficulties at the end. More mistakes were made by the Governors owing to their susceptibility to butter than in any other way. This practice was simply placing a premium on flattery, and could it be said that it was this which was wanted for the good of the country? Rather that not a single Hindu should be admitted to the Civil Service, than be admitted by means which cannot but cause wholesale demoralization. It would not matter at all if natives never got into the Civil Service, if the price for it was to be so dear. The admission to the service was sought as a right which as subjects of HerGracious Majesty, the people could claim in common with others and if they could not openly claim the right, the concession would not satisfy their legitimate aspiration. There were now several Deputy Magistrates doing the work of Joint Magistrates; hereafter they might be called Joint Magistrates, and their salaries might be increased from Rs. 700 to Rs. 900; but would that be a real concession? It would not be admitting natives into the Civil Service, but simply making some berths accessible to natives which have hitherto been held by civil servants. It would amount to a simple change of names in a few cases, and for himself he was strongly opposed to this gilding on base metal. He knew many members of the Subordinate Executive Service, who were well able to take charge of districts. Several of these were his personal friends, but for this very reason, if for no other, he would not wish them to come into the service by the back door. They would not do justice to themselves or their country, by entering a service bereft in their case, of all its rights, privileges, and immunities. The essence of the service was its covenant, its perfect immunity from capricious dismissal, and as long as that was not insured no native could govern a district successfully. Every civilian assistant would be the master of the native Magistrate under the circumstance, and not an officer working under him. A native Magistrate without a covenant would look more after the favour of his young assistants, than keep them to their duty. The highest moral courage was what was wanted, and the atmosphere in which a native Magistrate without a covenant would move would nip it in the bud. The natives were not wanting in moral courage, but wanted fair opportunities to bring it to test. There were as good fish in the sea as ever came out of it, and if they had their Madhava Rao and Dinkar Rao, they also had hundreds if not thousands as good who had not had the opportunity of displaying their talent. As long as a native was not admitted to the High Court Bench, the cry was—"qualify yourself for it," But one appointment was made, it gave satisfaction, and those of his countrymen who had been since sitting on the Bench had held their own against the best men from Europe, and the experiment which had proved so successful on the High Court Bench would prove equally so in the district under similar conditions. Under all the circumstances, therefore, especially considering that the age had been lowered, he hoped the Committee would strongly urge on the Government the necessity of having competitive examinations in this country simultaneously with the competitive examinations in England.

Babu Joykissen Mookerjee said:

We have long pressed the Government for a solution of the rent difficulty but although a satisfactory settlement of the question appears to be now as remote as ever, the lively interest which His Honor the LieutenantGovernor has evinced in the subject has succeeded in bringing together a mass of useful information, which will be of the utmost value both to Government and to ourselves. There can be no doubt at present that the existing law of enhancement of rent requires amendment. The zemindar's right of enhancement and the mode of enhancement of rent have been circumscribed by so many technical restrictions and interpretations that it may be fairly said that enhancement suits are now generally regarded as things of the past. Even in the few cases in which the zemindar succeeds in such suits he does so after so much expense and trouble to himself and harassment and perhaps destitution to the ryot that he finds the result quite inadequate to the cost of litigation while it is positive ruin to the ryot. I can cite instances to show that six years have not been too long for the final decision of enhancement suits and that one such suit occupied full 12 long years. I admit that it is difficult to suggest a remedy for the evil. The wide difference which is found to prevail in different districts as to the ratio between rent and gross produce and the absence of any difference between the rent of the ryot and his *korfa* in several districts show that we can scarcely hope for a simple and uniform rule of enhancement of rent for all the districts I think, however, that if the precise relations between the landlord and tenant in every district be more minutely enquired into, the result will give the Government sufficient data to enable it to frame a simple law of enhancement of rent which should recognise the peculiar characteristics of each district. It is not, however, with regard to the provisions for the enhancement of rent a one that the existing law requires amendment. The present procedure for the collection of the rent has been found by pretty long experience to be very far from what it should be. In cases of transfer of a ryot's holding the greatest obscurity exists at present as to the parties who are liable to the zemindar for rent, the law for destraint has been rendered useless by the interpretation of the courts, and the expensive and tardy procedure followed in suits for recovery of arrears of rent and in execution of rent decrees has begun to tell seriously on the condition both of zemindars and ryots. It is time that we should earnestly ask Government for a summary law for the recovery of rent similar to the one by which arrears of Putni rent are realised.

The next subject to which I beg to draw the attention of the meeting is the Civil Procedure Bill which, as we all know, is soon to engage the attention of the Indian Council. As an attempt to embody in a methodical and consolidated form the several enactments which regulate the procedure of the Civil Courts the bill promises to be a vast improvement on the existing laws. But it contains certain new provisions which we shall have to consider very carefully, and I think it should be our duty to object to that section of the bill which provides for the decision of a case with regard to one or more defendants at a preliminary stage perhaps months previous to the ultimate decision of the case, and to those sections which offer facilities for protection from imprisonment in the way of insolvent debtors, *bona fide* or fraudulent and thus put serious impediments to the course of free trade and loan transactions. No less objectionable is the section which provides for the acquisition by a co-sharer of a share of the joint property which has been sold in execution of a decree by the payment of the amount of the highest bid, in asmuch as such a rule will render all execution sales precarious and thus cause loss both to the judgment creditor and the debtor. There are other novel provisions to which we should devote our best consideration, but we should take this opportunity of submitting the necessity of amending the law on certain points. The present procedure scarcely allows parties sufficient time and opportunity to meet the statements and objections of their opponents. The trial and decision of cases are hurried through to enable judicial officers to show the required number of periodical decisions, while parties who generally live at great distances from Courts and who are unaccustomed to such speed find justice miscarry simply by reason of one and the same day being fixed for the filing of written statements, the determination of issues and the production of documents. The carelessness with which claim cases are disposed of and parties unnecessarily forced to have recourse to the expensive and tardy procedure of regular suits, and the wantonness with which the discretion as to the rate of interest on decreed amounts and costs is exercised render amendments on these points also very desirable, and I hope they will have the best consideration of the Association.

Thanks were then voted to the chair and the meeting separated.

ACKNOWLEDGMENTS.

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Government Notifications,

Calcutta Gazette.—*September* 20, 1876.

GENERAL.—*The 3rd September* 1876.—Moulvi Muizuddin Ahmed, Officiating Deputy Collector, on settlement work in Bogra, is appointed to act until further orders as a Deputy Magistrate and Deputy Collector in Rungpore, and is vested with the powers of a Magistrate of the Third Class.

The 11th September 1876.—The orders of the 10th ultimo, published in the *Calcutta Gazette* of the 16th idem, granting privilege leave for two and a half months to Baboo Bhugwan Chunder Sen, Deputy Collector, attached to the cadastral survey party in Gya and Patna, are cancelled.

The 12th September 1876.—Baboo Gopal Chunder Banerjee, B. L., is appointed to be a Sub-Deputy Collector of the Second Grade in the district of Nuddea, and is posted to the sub-division of Ranaghat, *vice* Baboo Heralall Biswas resigned.

The 13th September 1876.—Colonel J. S. Davies, Judicial Commissioner, Chota Nagpore, is allowed leave for one month and fifteen days, under Section 21, Chapter VI of the Civil Leave Code, with effect from the 10th October next, or any subsequent day on which he may avail himself of it.

Mr. H. L. Oliphant, C. S., Deputy Commissioner, Lohardugga, is appointed to act as Judicial Commissioner of Chota Nagpore during the absence, on leave, of Colonel J. S. Davies, or until further orders.

Captain C. H. Garbett, Assistant Commissioner, Lohardugga, is appointed to act as Deputy Commissioner of Lohardugga, is appointed to act as Deputy Commissioner of Lohardugga during the absence, on duty, of Mr. H. L. Oliphant, or until further orders.

Baboo Hari Nath Chatterjee, Deputy Magistrate and Deputy Collector, Rajshahye, is allowed leave for three months from the 19th instant, under Section 21, Chapter VI of the Civil Leave Code.

The 14th September 1876.—Mr. W. Sarson, Deputy Magistrate and Deputy Collector of Chittagong, was on leave, under Section 24, Chapter VI of the Civil Leave Code, from 1st July to 29th August 1876.

Mr. A. W. Scanlon, Officiating Deputy Magistrate and Deputy Collector, Julpigoree, is transferred to the Chittagong Hill Tracts.

Mr. H. Rattray, Deputy Magistrate and Deputy Collector, on settlement work, Sonthal Pergunnahs, is transferred to Julpigoree.

The 18th September 1876.—Baboo Hurrakissen Dass, Assistant Superintendent, Tributary Mehals, Cuttack, is allowed leave of absence for one month, under Section 21, Chapter VI of the Civil Leave Code, with effect from the 22nd instant.

POLICE.—*The 22nd July* 1876.—Mr. C. A. Fisher, Assistant Superintendent of Police, Dinagepore, is allowed leave for fifteen months, under Section 3, Supplement F of the Civil Leave Code.

The 14th September 1876.—Mr. F. A. Dawson, Assistant Superintendent of Police, on leave, is posted to Cuttack. This cancels the appointment of Mr. J. H. W. Clark to Cuttack.

The 15th September 1876.—Mr. G. A. Patten, Officiating Assistant Superintendent of Police, is posted to Rungpore, *vice* Mr. Reed, resigned.

The 18th September.—Mr. H. A. Coombs is appointed to be an Assistant Superintendent of Police of the First Grade, and is posted to Purneah.

Lieutenant-Colonel W. R. Gordon, Officiating Deputy Inspector-General of Police, acted as Inspector-General of Police from the date on which he received charge of that office from Mr. H. Hankey to the date on which he made it over to Colonel A. H. Paterson.

The 19th September 1876.—Mr. J. P. Sneyd, Assistant Superintendent of Police, reported his departure from India on furlough on the 6th instant.

REGISTRATION.—*The 8th September* 1876.—Moulvi Syed Ally Quilly Khan, Special Sub-Registrar of Monghyr, having returned to duty on the 14th ultimo, the unexpired portion of the leave granted to him under orders of 8th June last is cancelled.

The 12th September 1876.—Baboo Nanda Kumar Bosel is appointed to be Rural Sub-Registrar of Borduriya, in the district of 24-Pergunnahs, *vice* Baboo Uttam Chunder Chatterjee, deceased.

The 13th September 1876.—Moonshee Farashatoollah is appointed to be Rural Sub-Registrar of Nitrokonah, in the district of Mymensingh, for six months on probation.

The 14th September 1876.—Moulvi Syed Ally Quilly Khan, Special Sub-Registrar of Monghyr, is allowed leave of absence for two months under Section 3, Supplement F of the Civil Leave Code, with effect from the 1st instant.

Mr. H. S. Thompson, Sub-Registrar of Colgong, in Bhaugulpore, is appointed to act as Special Sub-Registrar of Monghyr during the absence, on leave, of Moulvi Syed Ally Quilly Khan, or until further orders.

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Additional Judge.

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শ্রীঈশ্বরচন্দ্র রায় চৌধুরী।
জমীদার বাহালগ্রাম, রাইগঞ্জ পোষ্ট আফিস।

আপনার প্রকাশিত অমৃত রস আনয়ন করিয়া আমার পরিবারকে সেবন করানতে, অনেক পরিমাণে রোগের উপশম বোধ হইতেছে। শারিরীক দৌর্ব্বল্যতা পূর্ব্বাপেক্ষা অনেক বিশেষ হইয়াছে, তবে উদরের বেদনা যে একেবারে আরাম হইয়াছে, তাহা বলিতে পারি না। এখন যে প্রকার অবস্থা দেখিতেছি, তাহাতে বোধ হয় আরও কিছু অধিককাল ঔষধ সেবন করাইলে সম্পূর্ণ আরোগ্য হওয়ার সম্ভব। কারণ পীড়াও নিতান্ত অল্প দিনের নহে।

শ্রীশশীভূষণ হালদার ডেপুটি মাজিষ্ট্রেট।
মোঃ মাতাভাঙ্গা জেলা কুচবিহার।

মহাশয়! বৎসরাবধি আমি জ্বর এবং কাশে অত্যন্ত কষ্ট পাইতেছিলাম। ডাক্তারী ও বৈদ্য মতের নানা প্রকার ঔষধী ব্যবহার করাতেও পীড়ার কিঞ্চিন্মাত্র উপশম না হওয়ায় পরিশেষে মহাশয়ের জগতপরিচিত অমৃত রস ব্যবহার করাতে সম্যক আরোগ্য লাভ করিয়াছি। আমার যেরূপ উপকার করিলেন, ইহাতে মহাশয়ের নিকট চীরকৃতজ্ঞতা-পাশে বদ্ধ থাকিলাম, এবং যাহাতে আপনার অমৃত রস এই গ্রামে এবং ইহার চতুষ্পার্শে বিশেষ প্রকারে পরিচিত হয়, তজ্জন্য সর্ব্বদা চেষ্টিত থাকিলাম।

শ্রীরমানাথ বন্দ্যোপাধ্যায়।
মোঃ হরিপুর জেলা দিনাজপুর।

মহাশয় আপনার উদাসীন দত্ত অমৃত রস মহৌষধীর গুণ ভুবনবিখ্যাত, এবং কএকটী রোগীকে আশ্চর্য্য আরোগ্য লাভ করিতে দেখিয়া অসীম আনন্দ সাগরে মগ্ন হইলাম। না জানি মহাশয় কত প্রাণীকে অকাল কালগ্রাস হইতে মুক্ত করিয়া কতই পুণ্য উপার্জ্জন করিতেছেন, ইহাতে আপনাকে অগণ্য ধন্যবাদ করিতেছি।

শ্রীচৌধুরী প্রতাপনারায়ণ রায়।
জমীদার বাঁশডিহা, জেলা বালেশ্বর।

মহাশয়ের ঔষধ আনাইয়া বহুতর ব্যক্তিকে সেবন করানতে প্রায় সকলেরই উপকার হইয়াছে। অতএব কাহাকেও পুরাতন রোগাক্রান্ত দেখিলে আপনার মহৌষধ সেবন করিয়া আরোগ্য লাভ করিতে উপদেশ দিতেছি।

শ্রীনীলকণ্ঠ চট্টোপাধ্যায়।
মোঃ বহড়ু, মজীলপুর পোষ্ট আফিস।

আপনার প্রেরিত পত্র দ্বারা শ্রীদীনহরি নন্দীর বিষয় সমুদয় অবগত হইলাম। তিনি নিঃসন্দেহ জুয়াচুরি করিয়াছেন, কারণ আমি তাঁহার নিকট হইতে ২৫ শিশি অমৃতরস গ্রহণ করি. তন্মধ্যে ২০টি ঔষধ দ্বারায় সকলেরই উপকার হইয়াছে। শেষকালে যে ৫ শিশি লইয়াছিলাম, এবং যাহাতে বাঙ্গালা টীকিট দেওয়াছিল তাহা সেবনে কোন উপকার হয় নাই। অতএব এ প্রদেশে নীচ জাতীয় কোন ব্যক্তিকে ব্যবসার জন্য ঔষধ প্রদানে কোন আবশ্যক নাই। তবে যদি শ্রীযুক্ত বাবু নীলকণ্ঠ চট্টোপাধ্যায় মহাশয় এখানে ঔষধ আনয়ন করেন, তাহা হইলে আমরা তাঁহার নিকট হইতে গ্রহণ করিব।

শ্রীঅপূর্ব্বকৃষ্ণ সেন কবিরাজ।
মোঃ জয়নগর মজীলপুর।

ইতি পূর্ব্বে শ্রীযুক্ত নীলকণ্ঠ চট্টোপাধ্যায় মহাশয় দ্বারায় যে কএকটী ঔষধী আনয়ন হইয়াছিল; তাহার কোনটীই বিফল হয় নাই, যাঁহাকে২ সেবন করান হইয়াছিল, তাঁহারা আরোগ্য লাভ করিয়াছেন।

শ্রীরামচাঁদ বিশ্বাস।
মোঃ ধাউদাঁড় জেলা সাহাবাদ।

অপরাধীর যেরূপ সমুচীত দণ্ড দেওয়া বিধেয়, উপকারীর প্রতি পুরস্কার ও কৃতজ্ঞতা প্রকাশ করাও তদ্রূপ সর্ব্বতোভাবে কর্ত্তব্য। দেখিলাম অনেকেই মহাশয়ের ঔষধীর আশ্চর্য্য গুণ বর্ণন করিয়াছেন, অতএব আমি যে কিছুক লব্যবহার করিয়া ইহার অসামান্য গুণের পরিচয় প্রাপ্ত হইয়াছি তজ্জন্য কেনই বা কৃতজ্ঞতা প্রকাশ না করিব, কেনই বা এই অলোক সামান্য প্রাণদায়িনী ঔষধীর গুণ গরিমা বর্ণনে অগ্রসর না হইব। আমার এক প্রিয়বন্ধুর কিছুকাল হইতে শিরঃপীড়া ছিল, কোন প্রকার চিকিৎসায় তাহা আরোগ্য হয় নাই। ডাক্তার হরিশ্চন্দ্র শর্ম্মার হিম-সাগর তৈলও ব্যবহার করান হইয়াছিল কিন্তু তাহাতেও উপশম হয় নাই, অবশেষে অনন্যোপায় হইয়া মহাশয়ের সন্ন্যাসীদত্ত ঔষধ ব্যবহার করাতে তিনি আরোগ্য লাভ করিয়াছেন।

শ্রীরাজেন্দ্রনাথ দত্ত।
মোঃ রায়না ক্লবের সম্পাদক।

আপনার অমৃত রস নামক ঔষধী সেবনে, অনেক ব্যক্তি অতিশয় উৎকট রোগ হইতে মুক্তি লাভ করিয়াছেন, ইহা প্রত্যক্ষ দেখিয়া উক্ত ঔষধীর উপর আমার একান্ত বিশ্বাস জন্মিয়াছে।

শ্রীকালীধন চক্রবর্ত্তী।
মোঃ কলিকাতা ওল্ড কোর্ট হাউস ষ্ট্রীট।

আপনার অনুমতিতে শ্রীমতী মাতাঠাকুরাণীকে স্নান ও আহারাদী ব্যবস্থা করিয়া দেওয়ায় এক্ষণে নিদ্রা ভয়ে দূর হইয়াছেন। আপনার ঔষধী সেবনে বিস্তর উপকার দর্শিয়াছে; এ পর্য্যন্ত সম্পূর্ণ সুস্থাবস্থায় আছেন।

শ্রীজ্ঞানেন্দ্রকুমার রায় চৌধুরী।
মোঃ টাকী।

ইত্যাগ্রে যে ঔষধী আপনার নিকট হইতে আনান হইয়াছিল, তাহা আপনার প্রেরিত নিয়মাবলীর নিয়মানুসারে সেবন করাতে পূর্ব্বাপেক্ষা অসুস্থের অনেক হ্রাস হইয়া আপাততঃ শরীরের স্ফূর্ত্তি লাভ করিয়াছি।

শ্রীনারায়ণচন্দ্র চৌধুরী রায় বাহাদুর।
মোঃ চুড়ামন।

৫ শিশি অমৃত রস অনতিবিলম্বে পাঠাইয়া বাধিত করিবেন। আপনার ঔষধী সেবনে অনেকের উপকার লাভ হইয়াছে।

শ্রীকৈলাশচন্দ্র রায় মহাশয়।
মোঃ দেওড়দা, জেলা বালেশ্বর।

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Missirpokhar, Benares.

I have the honor to inform you that your medicine for cholera was received here when the disease had nearly disappeared from the town. It was however administered in 2 acses with successful result.

Sd. W. R. LARMINE.
Magistrate of Bankura.

I am very glad to say that your Cholera pills have cured all the 10 cases in which they were administered.

(Sd.) D. V. SAPRAY,
Bankipur.

I am requested by the Maharaja of Burdwan to inform you that during the recent outbreak of Cholera in this place, your pills were tried in several cases which occurred among the servants of His Highness and were found to be efficacious. In all these cases the medicine was administered in the early stage of the disease but in one case in which it was administered to a patient who was in an advanced stage it was powerless and the man died.

(Sd.) T. B. MILLER,
Private Secretary.

Your Cholera pills are really infallible. Not being a professional man I was afraid to try your medicine at first but I administered it in 3 cases given up by the Doctors as hopeless. Two of the patients recovered quiokly within 6 hours by using only two pills each. The other a child took one pill which stopped his purging, vomitting, perspiration and spasm and caused a discharge of urine, but unfortunately at this stage his parents gave him some other medicine. The result was the disease relapsed and the child died.

(Sd.) BIPIN BEHARI DUTT,
Station Master Doomraw.

The few Cholera pills that you kindly gave me when I went to Gya in the Cholera season, have wonderfully saved the lives of 13 persons from that fatal disease.

(Sd.) RAMCHUNDER PUNDIT,
Sanscrit College, Benares.

I have to inform you that I could not give a fair trial to your medicine during the late outbreak of cholera here. Strictly speaking I treated 2 cases exclusively with your pills and found them efficacious.

I tried the pills on 10 more cases when they had already had other medicines and their disease had sufficiently advanced. However I am glad to say that those that had the fortune to live for some hours after the administration of your medicine, had the action of their kidny established, though mostly died subsequently. Of these ten cases only 2 actually recovered.

From this short trial I cannot arrive at any conclusion though I do not feel myself disappointed.

(Sd.) KHURGESHUR BOSE,
Asst. Surgeon Akyab.

I have much pleasure to say that I have been able to cure 80 cholera cases out of 86 by the use of Babu Hem Chunder Banerjea's Cholera pills in 1875. All these cases were personally treated by me gratis among the Pilgrims. On the subject I have been examined by the Civil Surgeon of Benares who has retained the papers in which the result of my treat ment is recorded.

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Per Month		1	2
,, Annum		11	8
,, Single Copy		0	8

IN MOFUSSIL.

In Advance per Annum		13	4
Arrear Do.		15	4

RATE OF ADVERTISEMENTS. Rs. As. P.

Per line	0	4	0

Printed and published by WOOMESH CHUNDER NUNDI, *at the* HINDOO PATRIOT PRESS, No. 108, BARANUSY GHOSE'S STREET, CALCUTTA.

SUPPLEMENT TO

THE HINDOO PATRIOT.

CALCUTTA :—MONDAY, SEPTEMBER 25, 1876.

BRITISH INDIAN ASSOCIATION.

A General Meeting of the British Indian Association was held at the Hall of the Association on Friday, the 15th September 1876, at 4½ P. M.

Raja Romanath Tagore Bahadur, C. S. I., President, in the chair.

The following Report of the Committee was read :—

REPORT OF THE COMMITTEE.

THE Committee submit a report of their operations since the date of their last annual report.

THE LATE VICEROY.

In April last Lord Northbrook, Viceroy and Governor General of India, left these shores. Although His Lordship held the reins of Government for four years only his administration was distinguished by many acts of wisdom and beneficence, for which the people of this country will ever cherish it in grateful remembrance. His Lordship arrived in this country at a time when the popular mind had been unhinged by over-activity, over-legislation and over-taxation under the previous administration, and as it greatly needed rest he gave it rest. The eminent public services which His Lordship rendered to this country during his four years' administration was recognized by the community at a public meeting held in this city, which it was the pleasing duty of the Committee to promote. It was resolved at this meeting that a statue of Lord Northbrook should be put up in Calcutta as a mark of public respect for his wise and beneficent administration.

THE NEW VICEROY.

In accordance with custom the Committee waited in deputation upon His Excellency Lord Lytton, the new Viceroy, with an address of welcome and congratulation. They were received with great kindness and cordiality by His Excellency. The address and the reply thereto are herewith laid on the table. The sentiments to which His Lordship gave utterance to in his reply shewed that His Lordship was thoroughly impressed with the responsibilities of his high office. His Lordship said :—"I can honestly say that I have always felt a deep interest in the history and traditions, and also (so far the labors of others have rendered it accessible to me) in the literature of the land which has enriched the memory of mankind with fables older than Æsop's, and heroic songs of higher ethic strain than Homer's. All who are associated in the administration of such an Empire as this are the trustees of mighty interests ; and I assure you that no Governor General ever felt more deeply than I do the responsibility of the charge confided to him. To conduct the Government of India with firmness, moderation, and impartiality, will be my constant endeavour. India has enjoyed under the rule of my distinguished predecessor a period of unusual tranquillity. The foresight and fortitude of the late Viceroy enabled him to make timely and ample provision for a great famine without disturbing the natural course of trade ; and although, indeed, the sudden and continued depreciation in the value of silver, to which you have alluded, is a phenomenon which cannot be contemplated without the most serious anxiety, yet, thanks to the sagacity with which they have been administered during the last four years, the difficulty finds our finances in a sound condition. Nothing, however, can better promote those efforts for the continued security and increasing prosperity of the Empire which will certainly be made by myself and my honorable colleagues than the hearty support of unofficial but influential bodies such as the Association which you so worthily represent."

INDIAN LEGISLATION IN PARLIAMENT.

Indian legislation in Parliament now claims greater attention of the Indian public than before. During the last session of Parliament several Indian measures were introduced, and although the majority of these were not of material importance, still they deserved the consideration of the people of this country, but they had no opportunity to consider or study them. They were introduced and passed in the same session. By far the most important measure introduced was the one relating to legislation in India. It sought to regulate the powers of the Legislative Councils of India. It evoked much discussion both in England and India and was reserved for the next session. With reference to this subject the Committee thought it proper to consult Mr. Fawcett as to the best course they should pursue for obtaining a hearing in Parliament in respect of Indian Bills introduced into Parliament. They wrote to Mr. Fawcett that these bills "are not published in the *Indian Gazettes* while the *London Gazette* in which they are published is not ordinarily accessible to them. Then the Bills are generally passed within a few weeks of their introduction and no opportunity is consequently afforded them for studying them. They cannot therefore avail themselves of the right of petition which is possessed by all classes of Her Majesty's subjects in all parts of Her dominions."

The people of India were greatly indebted to those members of Parliament, who like Mr. Fawcett took such a zealous and philanthropic interest in Indian matters, but they would perhaps consider their hands strengthened if the people of this country could make their views and sentiments regarding Indian Bills known to Parliament. The Committee enquired, whether the rules of Parliament would allow the introduction of an Indian Bill in one session, and its discussion and enactment in the next. In that case the Bill on its introduction might be published in the *India Gazette* for general information in India. It might also be worthy of consideration whether the introduction of Indian Bills might not be so arranged as to make it obligatory upon the mover to bring them forward in the beginning of the session and to allow at least three months' time from the second reading publishing them at the same time in the *Indian Gazettes*, so that the people of India may have an opportunity of studying the contents of every bill and making a representation regarding the same. In India the rules of the Legislative Council require the publication of all Bills after the second reading, but the President has the power to order the publication of any Bill before introduction, though the same must be formally introduced afterwards. As Indian Bills are for the most part introduced by the Secretary of State for India, the Committee enquired whether Parliament could not be induced to pass a resolution authorizing him to publish the Indian Bills in India for at least three months before introduction into Parliament.

The Committee have been favored with the following opinion of Mr. Fawcett:

"On many occasions I have felt how extremely unjust it is for the Government to press Bills forward in Parliament which deeply affect the interests of India, before the people of India have had an opportunity of considering and expressing their opinions upon them. The subject is likely to become of much more serious importance in the future than it has been in the past, for the present Secretary of State seems determined that India should be more directly governed from England than has ever been the case before. In principle I quite agree with your suggestion that Bills affecting India, after having been introduced, should not be read a second time until a sufficient period had elapsed for them to be considered in India. I suppose the Government, however, would urge against such a proposal that it might not unfrequently happen that such a delay of legislation would be prejudicial. Still it seems to me that it would be possible to provide for these exceptional cases. It is too late in the season to attempt to do any thing in the matter at present. I will, however, in the recess consider the subject and communicate with you upon it.

LEGISLATION IN INDIA.

DRAMATIC PERFORMANCES BILL.—Early in the year the Committee were invited by the Government of Bengal to express their opinion on the Bill introduced in the Governor General's Council having for its object the prohibition of certain dramatic performances. In reply the Committee stated that they could not support the Bill in the form in which it had been introduced, and having briefly enumerated the several provisions in the proposed Bill they proceeded to observe that, as regards the want of power felt by the executive in preventing objectionable dramatic performances on the score of their scandalous and defamatory nature, and of their tendency to excite feelings of disaffection to the Government and deprave and corrupt persons present at such performances, and otherwise to prove prejudicial to the interests of the public, the existing law did give sufficient power to Government and private individuals for obtaining needful redress. They pointed out the several sections of the Indian Penal Code which gave the necessary power to private individuals in case of defamation, and to the rulers of the land when the plays had a tendency to excite disaffection to the Government established by law and to deprave and corrupt persons present at the performance of objectionable plays. The Committee submitted that if any person or class of persons should feel aggrieved by any dramatic representation he or they were quite competent under the sections referred to to apply for legal redress, and in the event of their neglecting to avail themselves of the remedy provided by law surely it was the duty of the State to intervene and suppress a dramatic performance with a high hand. If the drama called the *Chakur Darpun*, which was considered to be a libel upon the tea-planters, had necessitated legislation under reference, there was, the Committee submitted, no necessity for Government interference when the existing law enabled the tea-planters to obtain needful redress as the Indigo Planters did on the publication of the Nil Durpan or the Mirror of Indigo planting drama.

As for the section in the proposed Bill providing against dramatic performances otherwise prejudicial to the interests of the public, the Committee noticed that its wording was so vague and indefinite that if an officer charged with the administration of the law were so disposed he could suppress any play by his dictum that its performance was prejudicial to the interests of the public.

The Committee laid particular stress on the tendency of an exceptional law like the one proposed which would have a most depressing effect upon the development of national literature—an effect which cannot but be deeply deplored by all, who look upon the progress of literature as a means of national advancement, particularly as such a law uncontrolled by healthy public opinion in the Mofussil will be a source of constant annoyance and trouble to the people of this country. While they recommended the plan of licensing theatres in the way printing establishments were now licensed they dwelt on the peculiar situation of this country arising from the feebleness of public opinion, possession of wide discretion by the executive, want of a critical knowledge of the language of the ruled by the rulers and the recent revival of national literature, and observed that the enormous arbitrary power proposed to be vested in the executive officers by this Bill might be converted into a fearful engine of oppression and prove disastrous to the liberty and literature of the people.

The Committee deprecated State interference with the amusements of the people except where they set at defiance the laws of morality and decency. But even as regarded this point the Committee remarked that the difference in customs, habits, dress, ideas of decency and propriety between the European and the Indian was so great that it would be most arbitrary and oppressive to judge the character of native amusements from a European standards It would be most vexatious and irritating, the Committee thougnt, if a marked distinction were not made between private and public entertainments, which the Bill as framed did not make.

In conclusion the Committee said that on the grounds mentioned they were not prepared to support the Bill. They recommended that it be confined only to the licensing of theatres maintained for gain, and if any play or performance be found to be scandalous and defamatory or likely to excite feelings of disaffection to the Government or to be obscene or immoral, the performers of the same should be brought to justice by a regular trial under the existing law.

PRESIDENCY MAGISTRATES' BILL. *Second Petition.*—After the submission of the Committee's petition on the introduction of this Bill into the Council of His Excellency the Governor General it was referred to the Select Committee for the settlement of its clauses and on the republication of the Bill as amended by the Select Committee, the Committee prayed for extension of time for the consideration of the amended Bill. In the petition which followed this application the Committee recapitulated the powers exercised by the Justice of the Peace appointed by commission and by the Police Magistrates

of Presidency Towns under the laws in force, the highest punishment under which a Magistrate could inflict was imprisonment for six months and a fine of Rs. 200. When by Act XIII of 1856 it was proposed to enlarge the jurisdiction of the Police Magistrates of Presidency Towns and allow them simply to exercise summary jurisdiction over comparatively graver offences, Sir Lawrence Peel, Vice-President of the Legislative Council, then on the eve of his retirement recorded as his opinion that the legislature made a mistake in giving to a single Justice of the Peace the power of convicting summarily in so many instances as those described in the draft of Act XIII of 1856. While his Lordship had no objection to the trial by a single Justice of the Peace of cases nearly allied to larceny and which might be committed to a higher tribunal for trial, he held that when the case was one for summary conviction and the punishment might be imprisonment for six months or fine or both, and the conviction might even be of a felony, the power ought to be exercised with great care and caution and with something more of solemn proceeding than ordinarily obtained. It would be much better, he said, that two Justices should sit together in all such cases, and that if there was a gentleman of the bar in the commission, he should be one of a quorum in such cases, that is, necessarily a member of the Court. On the passing of Act XIII of 1856 the Magistrates of Calcutta were invested with summary jurisdiction over such offences described in the Indian Penal Code as are mentioned in Act XXI of 1864 of the Governor General's Council and Bengal Council Act IV and VIII of 1866.

Under the proposed Bill as amended by the Select Committee the power of the Police Magistrates of Calcutta extended to sentences for two years' imprisonment including such solitary confinement as is authorized by law and of fine to the extent of one thousand rupees—allowing appeal to the High Court only in sentences involving imprisonment for a term exceeding one year or a fine exceeding five hundred rupees. The summary jurisdiction of the Presidency Magistrates therefore is quadrupled with appeal under certain conditions, and doubled without appeal at all.

The Committee in their petition represented the inconvenience and hardship that would attend the virtual abolition of trial by jury in all cases in which the sentence would extend from above six months to two years. They submitted that the system of trial by jury in the Presidency Towns has been a long cherished institution prized and venerated by all classes of the community who come under it, and they were not aware of any valid reason why it should be arbitrarily set aside. They further stated that many of the offences declared triable summarily by the Police Magistrates under the Bill could be satisfactorily disposed of in a summary way. The provision of appeal to the High Court in cases in which the sentence will exceed one year's imprisonment or five hundred rupees fine becomes virtually inoperative as it will depend on record which will be necessarily defective inasmuch as the record of the Magistrate will be altogether meagre, insufficient and incomplete. The Magistrate moreover will have the power of frustrating the prospect of an appeal by limiting the sentence to less than one year's imprisonment, or five hundred rupees fine. There is no analogy between the powers exercised by the Mofussil Magistrates and those of the Presidency Towns Magistrates, for though the former singly exercises higher powers than those given to the latter there is a right of appeal in every case in which the punishment exceeds one month's imprisonment and fifty rupees fine, moreover the people in the Mofussil did not enjoy the privilege of trial by jury except in a few districts within the last few years.

When the present limit of the summary jurisdiction of the Magistrates of the Presidency Towns has worked satisfactorily and no public inconvenience has occurred therefrom the Committee saw no reason for its enlargement unless it be to lighten the work of the High Court Judges. Far better, the Committee urged, that the numerical strength of the Judges of the High Court should be increased than that the present safeguard of justice should be removed.

The Committee lastly submitted that while the magnitude of the offences made triable by the Magistrate has been considerably increased, the conditions which will attend the trial of such offences are not such as to satisfy the ends of justice. In the first place many of these offences which were hitherto triable by the highest tribunal in the land will be triable by an admittedly inferior agency. Secondly, the absence of record incidental to summary trial is calculated to withdraw that incentive to careful and sifting investigation which is essential to an efficient administration of justice by the Subordinate courts. Thirdly, many of the offences referred to are such as require in their trial the most patient investigation and careful analysis of facts, but such investigation and analysis cannot be secured in a summary trial, and consequently the ends of justice will be frustrated. The Committee on these grounds prayed that the present jurisdiction of the Police Magistrates of the Presidency Towns be not changed.

The Committee are glad to state that some of their recommendations and suggestions have found a hearing at the Council of His Excellency and several alterations and amendments have been made in the last Bill as amended by the Select Committee.

Calcutta Municipal Bill.—In the report for 1875 the Committee noticed the introduction of a Bill to consolidate and amend the law relating to the Municipal affairs of Calcutta, and they also submitted an epitome of the memorial which they addressed to the Council of His Honor the Lieutenant Governor of Bengal. Being convinced of the evils which would be experienced by the Calcutta community if the Bill became law in its proposed form the Committee invited the public for an expression of their opinion on the Bill. A public meeting was accordingly convened on Saturday the 12th February last at the Hall of this Association in which the elite of the native community and some public-spirited Europeans took part. It was resolved at that meeting to memorialize His Honor the Lieutenant Governor submitting some suggestions and remarks for the improvement of the Bill. The most important of the suggestions and remarks in the memorial were, first, the power proposed to be conferred upon the Government for the control of municipal affairs; the scheme of virtually depriving the rate-payers of all healthy influence in the management and control of the municipality by the operation of the controlling or vetoing power proposed to be vested in the local Government; the impolicy and inexpediency of increasing the power of the Municipal Commissioners for enabling them to appropriate municipal funds to objects of secondary importance, such as schools, hospitals &c., the union of the offices of Chairman of the Municipality and Commissioner of Police in the same person, the denial of power to the Municipal Commissioners for exercising an effective voice in the regulation of Police expenditure, the provision about reducing the supply of water at high pressure from eighteen to three hours, and arbitrary interference with private property contemplated by the sections of the Bill relating to bustee improvement.

In accordance with a resolution passed at that meeting a deputation consisting of the most influential rate-payers of the town waited upon the Lieutenant Governor for the purpose of presenting the memorial. Similar memorials were presented to His Honor by other public bodies and the Select Committee of the Council appointed a day for the hearing of counsel on behalf of the memorialists, and the British Indian Association engaged Mr. Ingram for arguing on the objected sections of the Bill. The argument however was under resolution of the Select Committee confined only to the sections which provided for the general control of the Government. The Counsel and delegates from the British Indian Association and other public bodies were heard on Saturday the 4th March last. The Select Committee recommended some alterations reducing the controlling power of Government over the municipality.

The Bill was passed by the Bengal Council on the 25th idem, and as the amendments made did not altogether remove the objections made, the Committee submitted a memorial to His Excellency the Governor General in Council to withhold his assent to the Bill. The reasons for which the Committee urged in support of this prayer were, first, that the Bill was passed by the standing official majority of the Bengal Council—all the non-official members present voting against its passing, secondly, that while it professes to concede self-government to the people of Calcutta, leaves the appointment and dismissal of the chief executive officer in the hands of Government. Thirdly, the Bill sanctions the union of the functions of Chairman of the Commissioners and Commissioner of Police in the hands of one person. Fourthly, the Bill sanctions additional objects for municipal expenditure, which, though optional, may be enforced at the discretion of the Commissioners, and which when enforced are likely to result in additional taxation. Fifthly, though there is no distinct provision in the law for the enforcement of registration of marriages, but under the power given for making bye-laws, rules for the registration of marriages may be made, and such rules would be exceedingly repugnant to the social feelings of Hindus and Mahomedans. Sixthly, under the new Act bathing ghats hitherto maintained by the Port Commissioners are proposed to be thrown on the Municipal Fund, as well as the cost of maintenance of existing gardens and the opening of new ones. Seventhly, though the erection and maintenance of public Halls form a legitimate charge upon the Municipal Fund, it would be unreasonable to sanction expenditure on works which are but luxuries when the paucity of funds does not permit money being laid out on numerous legitimate requirements. Eighthly, the Act empowers the Commissioners to build police stations and lock-ups from the Municipal Fund, whereas most of these stations are held in rented houses, one-fourth of the charge for which is paid by Government, the result of this provision would be a saving of that one-fourth expenditure to Government and consequent addition to the burdens upon the town. Ninthly, optional power is given to the Commissioners for sanctioning unlimited outlay on objects connected with the public safety, health and convenience. When the discretion is not restrained by any limiting clause, the maximum rates of taxation may be levied whenever the Commissioners will exercise their optional powers. Tenthly, though the water rate is proposed to be raised from 5 to 6 per cent. the supply of water at high pressure is proposed to be reduced from 17 to 3 during 24 hours. Besides, the objections enumerated above they urged further reasons which made the final passing of the Bill inexpedient and undesirable, namely, the mode of preparing voting lists prescribed in the Bill which throws the onus of registration upon persons qualified to elect and to be elected; the withdrawal from the Municipal Commissioners an effective voice in the regulation of Police expenditure, the absence of check in the Bill over the appropriation of the Municipal Fund by the Chairman of the Commissioners; the provision to enforce improvement of Bustees at a cost which may be beyond the means of many owners to meet.

His Excellency the Governor General did not however think fit to withhold his assent to the measure and it has since been passed into law.

Mofussil Municipalities Bill.—The Committee have already reported what action was taken by them on the introduction of a consolidated Mofussil Municipalities' Bill. This Bill was open to some serious objections as regards its unsuitability to the present condition of the rural population of Bengal and also on the ground of its containing provisions which threatened to prove highly oppressive to the people generally. The improvements made in consequence of the Committee's suggestion and remarks in some of its sections did not materially change the character of the Bill, which received the assent of His Honor the Lieutenant Governor on the 8th April last. Being fully convinced of the injurious tendency of the measures proposed in the Bill the Committee ventured to approach His Excellency the Governor General with a prayer to withhold his assent to it. The Committee in this memorial laid particular stress on the fact that it is not consistent with the instructions conveyed by His Excellency the late Viceroy or with the declarations of the Hon'ble mover of it. It increased taxation and proposed to give power to the municipalities to fritter away their resources on objects too numerous to be embraced within the scope of Mofussil Municipalities which could ill-afford to spare money for legitimate municipal purposes. They pointed out that the burden of police expenditure proposed to be laid on these municipalities was quite out of proportion to their income. In some cases nearly one-half of the income was absorbed by the police charges. Some of the sanitary regulations, for instance those relating to building and bustees, the Committee pointed out, would inflict great hardship and oppression upon the people if they were enforced in the spirit in which they were framed. Permission was required to be taken for digging a tank or pit or taking out earth for any domestic purpose. Houses thatched with grass and leaves and walled with mats were forbidden. No house can be built or re-built without first submitting a plan shewing the levels and widths of foundations and the lowest floor. The Committee further submitted that it is not only objectionable on principle to allow a municipality to embark its capital in speculative enterprises like markets, but the imposition of this obligation upon it is not needed in the existing circumstances of mofussil towns.

His Excellency the Governor General was however, pleased to give his assent to the Bill.

Registration of Estates Bill.—*First Petition.* The Bill for the registration of revenue-paying estates and revenue-free lands and of the proprietors and managers in possession thereof as provisionally settled in the Council of His Honor the Lieutenant Governor of Bengal received the attention of the Committee. While they gladly acknowledged the improvements in the Bill as amended by the Select Committee and provisionally settled by the Council they noticed that there was still room for improvement. They pointed out the necessity of a provision for the registration of shares and proportion of shares of proprietors, as such registration was calculated to benefit both zemindars and ryots. On the provision authorizing the Board of Revenue to frame rules for

the registration of revenue-free lands and the proprietors thereof the Committee expressed their opinion that, instead of giving them the character of a supplementary legislation they ought fitly to be embodied in the Bill itself. As to the obligation upon the proprietors and managers of estates to furnish any information on the requisition of the Collector for the purpose of preparing, making or correcting any entry of the particulars specified in sections 7, 8, 10, 11, 12 or 15, the Committee submitted that as the proprietors and managers are not in a position to give the information required, and as such information may be obtained from the public records the said proprietors and managers may be relieved of the obligation of furnishing it. They suggested that the extent of information which the proprietors and managers might be required to furnish may be confined to the names of proprietors, the extent of their shares or interest, name of the estate and the number of villages comprised in it. The registration of rent free lands appeared to the Committee foreign to the object of the Bill as such registration was sure to give rise to much dispute and litigation. They observed that the object of registration would be frustrated if estates paying less than Rs. 100 were exempt from registration. In case of any dispute regarding an applicant's possession or succession to an estate by transfer, the extent of interest in respect of which he has applied to be registered, the summary enquiry into such dispute should be held by the Collector instead of by the Civil Court, as it would be cheap expeditious and convenient. They further suggested a graduated scale of fees in lieu of the general rule that the *minimum* fee in no single case should exceed one hundred rupees, the *maximum* fee be fixed at one hundred rupees, that fines for voluntarily and negligently omitting to make application for registration be not realized until the appeal is disposed of as the time for appeal expires, that copies of or extract from the register may be furnished by the Collector on application, by any proprietor, on plain paper; that the time allowed for appeal be extended from 30 to 60 days and that such time should be counted exclusive of the time taken in getting copies of orders, that the officer referred to in section 66 to be vested with special appellate powers under this law be not of less than 15 years' standing, but such provision, the Committee submitted, will not be necessary if all appeals lie to the Commissioner as they have suggested.

Second Petition.—In the second amended publication of the above Bill it was provided that no person shall be bound to pay rent to any person claiming such rent as proprietor, manager or mortgagor of an estate unless the name of such claimant has been registered. The Committee represented that the provisions referred to were calculated to produce the greatest hardship and injustice and produce evils not contemplated by the legislature. They would have the effect of declaring a defaulter an outlaw, though the penalty for non-registration provided by the law was sufficiently deterring. They would further rouse the evil passions of persons and produce disputes where there might have been none in existence. Further, there would be produced evils in a variety of ways under the operation of the new sections. If the rents from the ryots be not realized by some other persons or deposited in the Collectorate until the completion of the registration, the ryots will fall into arrears, and when people of their class contract a heavy debt on account of rent there is no hope of recovering it on the part of the zemindar, who will thus be a great loser through the operation of the law. The Committee therefore suggested an amendment of the section under notice to the effect that the claims of the proprietor in possession to receive rent whose application for registration is pending, might be recognized. The Bill was modified to some extent to meet the views expressed by the Committee.

AGRARIAN DISPUTES BILL.—Some rules were introduced by His Honor the Lieutenant Governor of Bengal in connection with the Bill to provide for agrarian disputes for the guidance of Collectors in the determination of rent. The Committee remarked in their letter to the Government in the legislative department with reference to these rules that as regards the power given to the Collector for fixing the rent payable by a ryot on the principle of proportion in suits of enhancement on the ground that the value of produce has increased without the agency or at the expense of the ryot or in suits for the abatement of rent where the value of produce has decreased from causes beyond the power of the ryot, the rule was based on a decision of the High Court, which was simply unworkable. It was open to question whether it was meet to declare that as law which was merely a decision of a Bench of the Court which may be upset by another bench—the substantive law remaining unchanged. On the other hand the rule of proportion was not consistent with the substantive law and as already observed practically unworkable. About the rule providing that the Collector shall fix the rent by determining the share of gross produce to which the landlord may be held entitled, the Committee remarked on the difficulty or impossibility of determining the share of produce unless the rate or share for a village or conglomeration of villages similarly situated, or for a particular class of lands, was laid down as a general rule. They therefore recommended that the Collector may be instructed to fix the share according to local usage and not according to circumstances. The Committee recommended the omission of the rules for the determination of rent, which were based upon the principle of adjustment adopted by Sir Barnes Peacock with the variation that instead of excess or surplus left after the deductions taken by the lateChief Justice being considered as rent the Bill declares that the net profits left after deductions of costs of production and disposal of produce shall be divided between the zemindar and ryot. The Committee remarked that owing to the peculiar habits and feelings of the people of this country and their circumstances in life, rent of land in this country has been always regulated by a principle of demand and supply based somewhat upon a different calculation from what obtains in European countries. Instead of leaving it to the discretion of the Collector to regulate the proportion of the rate of rent which an occupancy ryot should be liable to pay as compared with the rates paid by tenants-at-will, the Committee urged the necessity of fixing the proportion by law.

The Committee further submitted that it was of the utmost importance that the rules under comment should be made definite. The discretion which they would leave to the Collector was so wide that it might be attended with ruinous results either to the zemindar or to the ryot according to the personal sympathies or inclinations of the Collector. The Bill has passed with important amendments regarding the adjustment of rent.

MANAGEMENT OF JOINT ESTATES.—The Government of Bengal requested an expression of the opinion of this Association upon the provisions of the Bill for the better management of joint-estates with suggestions for its improvement with special reference to the point whether the proposed law should be made to extend to rent payable by talookdars and other tenure-holders to zemindars, or should be made applicable only to rents paid by actual cultivators. The Committee in their reply submitted that the section which precludes zemindars from suing their tenants and other tenure-holders except through a manager amounts to a sentence of outlawry for the existence of a state of things, which is an unavoidable sequence of the law of succession. The evils of joint management are neither universal nor are they on the increase. The bill, they continued, wrongly assumed that joint estates separately managed must entail hardship and oppression on the ryot. But the appearance of agents of several shareholders for collection of rent is not so great an evil as to necessitate the abrogation of the rights of property contingent upon the law of succession prevalent in this country. The provision in the Bill that where there is special engagement for separate payment the shareholders may collect separately is an admission on the part of Government that separate management does not necessarily lead to oppression. The management of a joint-estate by a manager from his statutory status being different from the family status may sow discord and disunion in the place of peace and harmony.

The evils inherent in the separate management of joint estates do not admit of easy remedy and no schemes have been suggested by any public officer, the Board or any private bodies or the landed proprietors which would remedy the evil without producing perhaps a greater evil. But these evils are expected to be remedied, at least mitigated by the new partition Bill and the Bill for the registration of possessory title.

The appointment of a manager of an estate, the Committee observed, involves some important questions which have not been considered in drafting the Bill, such as security, the obligation of the manager to furnish accounts to shareholders at stated periods, his neglect to collect rents or to pay in the share of income to each shareholder, his dismissal for misconduct and the like.

With regard to the question as to whether the proposed law should be made to extend to rent payable by Talookdars and other tenure-holders to zemindars or should be made applicable only to rents paid by actual cultivators, the Committee expressed their opinion that it ought to be confined to the latter. If there is any hardship from the separate management of joint estates it is the cultivating ryots who from their helplessness may suffer from it, whereas talookdars and other tenure-holders are as a rule strong enough to protect their own interests.

THE RENT QUESTION.

The difficulties which surround the question of determination of rates of rent have of late received the attention of the Government of Bengal. In January last the Committee received a communication from the Government of Bengal inviting their opinion as to the principles on which the rent-rate should be fixed. They beg to lay on the table the letter of the Government with the minute of His Honor the Lieutenant Governor and their reply thereto, also the last letter of Government with the minute of His Honor dated the 18th April 1876.

Before giving their opinion on the proposals contained in the second minute of the Lieutenant Governor as requested, the Committee considered it their duty to consult the zemindars on this important question, and in that view they have issued a circular inviting an expression of their opinion upon the several proposals of His Honor.

The Committee may observe that in the present unsatisfactory condition of the Rent law, which has been complicated by conflicting decisions of courts of law, the principles on which the rent is to be fixed are in a sad state of confusion. Practically suits for the settlement of rent have come to a dead-lock, leading to considerable misunderstanding between both the zemindar and the ryot. As there seemed to be a general desire among the land-holding class for a settlement of principles for the determination of the rates of rent which would be at once fair and equitable to both parties, the Committee recommended that the rent paid by the non-occupancy ryot or tenant-at-will should be received as a fair indication of the market value of land, and that the difference between that rate and the rate paid by the occupancy ryot should be divided in a fair proportion between the zemindar and the occupancy ryot, that was to say, three-fourths of that difference should be given to the zemindar and one-fourth to the occupancy ryot.

His Honor the Lieutenant-Governor, while basing his proposals on this principle, suggests a classification of ryots according to periods of tenancy and of rent regulated thereby, which the Committee fear would lead to great confusion, misunderstanding, dispute and litigation. It would be exceedingly difficult to work out the classification by judicial proof, while the scale of rates proposed would be attended with gross injustice to the zemindar.

Where, however, the competitive rate, that is, the rate paid by the tenant-at-will or non-occupancy ryot for paddy or other lands may not be easily ascertained, the mode proposed by His Honor viz, that the rent of the non-occupancy ryot should be taken at 20 per cent. of the gross produce of the land, coupled with the differential scale proposed for deduction from the rent payable by the occupancy ryot, would lead to a general lowering of rents not only below the present amount, but also in some cases below the amount paid at the time of the Permanent Settlement, thus disabling the zemindar even to meet the Government revenue from his rents.

These are the present impressions of the Committee, but before they come to any definite conclusions on the subject, they are desirous to obtain the benefit of the information, advice and aid of the general body of landholders. They have accordingly invited the attention of zemindars and other receivers of rent to the following points.

I. What was the rent per biga in your district either in kind or money for paddy or other produce at the time of the Permanent Settlement, or in the early years of the settlement as may be disclosed from the Permanent Settlement papers or other records?

II. What is the present rent per biga for the same class of land held by non-occupancy ryots?

III. What is the gross produce of lands cultivated with different articles, the cost of cultivation of each product, and the price of the same?

IV. The present law of enhancement is as follows:

"No ryot having a right of occupancy shall be liable to an enhancement of the rent previously paid by him except on some one of the following grounds:—

That the rate of rent paid by such ryot is below the prevailing rate payable by the same class of ryots for land of a similar description and with similar advantages in the places adjacent.

That the value of the produce or the productive powers of the land have been increased otherwise than by the agency or at the expense of the ryot.

That the quantity of land held by the ryot has been proved by measurement to be greater than the quantity for which rent has been previously paid by him."

In what respect or to what effect do you consider that the existing law should be amended in justice to both the zemindar and ryot? Would you recommend any allowance in favour of the occupancy ryot in consideration of the occupancy right, if so, what allowance?

V. What is your opinion regarding the sliding scale proposed by His Honor the Lieutenant Governor? If you consider it hard to the zemindar, kindly state your reasons.

VI. Whether in the event of the competitive rate or the rate paid by the non-occupancy ryot not being easily ascertain-

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able, would you consider the division of the value of the gross produce of the land so far as paddy was concerned, on the average of three years drought and inundation being excepted, in the proportion of three-fourths to the occupancy ryot and one-fourth to the zemindar, to be fair and equitable ?

VII. What is your opinion regarding the proposal of His Honor the Lieutenant-Governor that where the competitive rate might not be ascertainable the rent of the non-occupancy ryot should be taken at 20 per cent. of the value of the gross produce of the land, and due deduction should be made from it for the occupancy ryot according to the periods of tenancy included in the different scales of rates of rent proposed by His Honor ?

VIII. Would you recommend the fixing of the rent of home-stead or garden lands according to the village rate for the same class of lands ? And what principle of assessment would you recommend for lands cultivated with other articles than paddy such as sugar-cane, mulberry, jute, seeds, wheat &c., on the basis of division of produce.

MANAGEMENT OF WARDS' ESTATES.

ADVANCE OF MONEY ON MORTGAGE OF WARDS' ESTATES.—The Government of Bengal requested an expression of the opinion of the Association on the question as to whether or not it would be for the interests of the wards to relax the law which restricts the investment of the surplus of wards' estates in the purchase of landed property or of securities guaranteed by the Government of India, which restriction, it was said, was injurious to the interests of the wards and whether or not it would be desirable to relax it so far as to give the court of wards power to lend money on mortgage. The Committee after a careful consideration of the question stated in reply that the relaxation proposed was not desirable in consequence of the risk involved in loan transactions, as losses were unavoidable in such transactions. They might also involve the estates of minors in protracted and ruinous litigation. The Collector from his multifarious duties would seldom have leisure to attend to the merits of a transaction, but would be guided by the advice of the manager in sanctioning the grant of a loan while the latter would not be held responsible for losses resulting from loan transactions. Another source of loss would, the Committee thought, be a sudden and heavy depreciation of mortgaged property even where originally there might have been a good margin. Nothing has transpired since the promulgation of the Wards' Act which makes a relaxation of the present rule desirable, and it cannot be consistent with the feduciary duties of Government to burden minors' estates with risks of litigation and loss by depreciation of property. Private trustees when they advance money are held personally responsible.

APPROPRIATION OF PROFITS OF WARDS' ESTATES.—The Committee having carefully considered the principles laid down by Government for the management of wards' estates and the question of the disposal of their surplus were satisfied that they were not conducive to the advancement of the best interests of the wards. In this viewthey addressed a letter to the Government of Bengal on the 8th August last, stating their objections to the conclusions arrived at by Government, that no surplus should be kept beyond such a balance as might be required for working the estate and maintaining the household in fitting style ; that the savings should be spent in improving the estate and for such charitable purposes as may benefit the tenantry ; that the improvement should not be limited to the proprietor's Khas estates but extended also to such as have been alienated by Putni and other arrangements. The objection to the accumulation of property during the minority of a ward on the ground of the temptation which it offers to young men coming of age to extravagance and recklessness, theCommittee answered by observing that when there is an inclination to reckless habits the same will be indulged in spite of the restraint of limited income by anticipating the future return by borrowing at extravagant rates of interest. The objection to overgrown and unwieldy estates on the ground of the impossibility of the landlord and his tenants becoming properly acquainted with each other or having common interest applies only to a few large estates and not to the generality of wards' estates. But such unwieldy estates are not injurious to the wards as landed property is not so easily convertible into money, and the feelings of young proprietors are against selling landed property directly on coming of age. Besides the law of succession has a constant tendency to reduce the bulk of large estates. As regards the interests of the public small zemindaries are as much liable to mismanagement as large ones. Small zemindaries on the other hand tend to make the proprietors rapacious and extortionate. The Committee further observed that the spirit of the age and the economic principles which govern the circulation of wealth tend to the accumulation of property in a few hands, and it is impossible that Government by refusing to buy lands on account of the few wards whose estates come into its custody can overcome that tendency. The accumulation of profits during the minority of proprietors in a great measure obviates the disadvantage of small incomes consequent on sub-division of estates among several proprietors, who find themselves embarassed when called upon by the usages of the country to maintain the style and establishment of their parents and meet all those requirements of charity and social and religious obligations which their ancestors had done before them whilst in the enjoyment of the income of the entire estate. The necessity for a large amount of cash or security easily convertible into cash is imperative to meet emergeneies arising from drought or inundations, by affording relief to tenants and to pay Government revenue.

The direction so to manage a ward's estate that there should be no surplus at the end of a minority beyond such reasonable working balance as might be required for working the estate, and maintaining the household in fitting style conflicts with the obligation of maintaining schools and hospitals and spending money on works of improvement for the benefit of the tenantry. For while a young zemindar's estate is thus burdened with a permanent charge his usual income scarcely suffices for his own maintenance and the preservation of his family position.

As regards the obligation to lay out capital as much on improvements in properties in the possession of a proprietor as on those alienated by Putni and other arrangements, the Committee observed that it could not be just to encumber the estate of a ward settled in patni or like permament tenure with the cost of improvements from which the landlord will derive no benefit or of charitable works which ought to be left to his own judgment and pleasure when he comes to age. The Committee have accordingly urged theGovernment that the existing circular of the Board of Revenue regarding the disposal of the surplus profits of wards' estates be cancelled and that the duties of the manager of those estates be made strictly conformable to the " feduciary nature of the management."

PATWAREES IN ORISSA.

The publication of the rules for the submission of Patwaree papers by the zemindars of Orissa having given rise to considerable alarm among those zemindars on account of the expense and the harassing nature of the duty which the rules involved, the Committee were induced to address the Government of Bengal a letter urging the desirableness of rescinding the rules on the ground of there being no immediate urgency for their enforcement. The Committee expressed their surprise that the local officers in Orissa are pressing zemindars to employ Patwarees and even in some places were fining them, as in Balasore for refusing to enter into agreement for the employment of Patwarees at the instance of the Collector, when the orders of Government distinctly declared that in consequence of the heavy expenditure involved in the enforcement of the Patwaree rules in Orissa no steps were to be taken for the appointment of Patwarees until the re-settlement of the Province. They quoted the letter of the Board of Revenue to the Commissioner of Orissa in which it was admitted that Patwarees were not an indegenous institution of Orissa. The opinions of such officers as Sir Henry Ricketts, Mr. Cockburn Mr. V. H. Schalch, Mr. Mactier and others were cited to prove that the Patwaree papers were not required and that the expense and trouble which they involved were scarcely compensated by their utility. They further urged that if the collection of statistics was the sole object in enforcing these rules it was not fair to saddle the zemindars with the cost of their collection. When the zemindars of Bengal and Behar have been relieved of the duty of submitting Patwaree papers the Committee did not see any good reason why the poor zemindars of Orissa who lived from hand to mouth should be compelled to do the work. If the information called for be required by reason of the temporary character of the land settlements in Orissa, it may be obtained under the Registration Act, and if further particulars be required the same may be had from the Road Cess papers. The provisions in the draft Bill for registration of title authorizing the Board of Revenue to call for statistical returns were omitted by the Select Committee on the Bill, for the reason that the call for such papers would prove harassing and expensive to the zemindars ; the same argument the Committee respectfully submitted applied with full force to the rules and returns under notice. The Government in reply stated that there was some misapprehension of the facts on which the Association acted. The re-organization of the Patwaree system, was approved by the Board of Revenue and the Government in March 1873, and rules on the subject were drawn up by the Commissioner in 1874 and were submitted by the Board for the approval of Government. That but a few estates in Orissa require patwarees to be appointed for them ; in those scattered estates which would from time to time come under settlement provision would hereafter be made for the appointment of patwarees in accordance with the proposed rules. In the estates upon which patwarees had not been appointed at the time of settlement, the zemindars themselves were to be required to perfrom the duties of patwarees under Regulation XII. of 1817. The great majority of estates in Orissa are of the third class and no patwarees are required for them —the zemindars are at liberty either to appoint a patwaree or to themselves to perform the duties of a patwaree. His Honor is not prepared to cancel or withdraw the orders, but he is desirous that they should operate in such a manner as not to cause needless expense or trouble to the zemindar. With this object he has already sanctioned some modifications of detail and will not objcet to sanction other modifications if it be shewn that this can be done without any sacrifice of the principle of the system.

EDUCATION.

CALCUTTA NORMAL SCHOOL.—The attention of the Committee was drawn to the statement in the newspapers regarding the contemplated abolition of the Calcutta Normal School and its amalgamation with the institution in Hoogly. The Committee accordingly represented to Government that Calcutta being the metropolis of the empire it was desireable that a model school should be located here for the guidance of others less advantageously situated ; that when poor students from Hooghly had flocked to the Calcutta Normal School it was clear that they enjoyed greater advantages in Calcutta than they did at Hooghly or Burdwan. The advantages referred to consisted in the facility of living cheap at Calcutta with the assistance of benevolent gentlemen, that while under education poor students might earn their livelihood by performing some work out of school-hours. The transfer of these students to Hooghly would deprive them of the important advantages derived by them by access to books, appliances, pundits, scholars and others so plentiful in Calcutta. The Calcutta Normal School forms an adjunct of the Government Patshalla both work so harmoniously and satisfactorily that the detachment of the one would operate to the detriment of the other. The Government has been pleased to maintain the Calcutta Normal School in its integrity.

ZOOLOGICAL GARDENS.

The Honorary Secretary of the Zoological Gardens enquired whether the British Indian Association would be disposed to afford pecuniary assistance towards the establishment of the gardens. He stated that it might be desirable that the President of the British Indian Association should be a member of the General Council of the Gardens. The Committee stated in reply that the leading members of the British Indian Association have in their individual capacity subscribed in aid of the Gardens, and as the bulk of the subscribers were native gentlemen, who would doubtless be strongly represented in the Council of the gardens, the Committee did not consider it necessary for the Association to subscribe in its corporate capacity.

On the motion of Babu Govinda Chunder Dutt, seconded by Babu Surendro Nath Pal Chowdry the report was received and adopted.

Printed at the Hindoo Patriot Press.